

**An Executive Program Assessment
For State Court
Projects to Assist Self-Represented Litigants**

Final Report



**Submitted to the
State Justice Institute**

**on behalf of the
Trial Court Research and Improvement Consortium**

by the

**Maryland Administrative Office of the Courts
Maryland Judicial Center
580 Taylor Avenue
Annapolis, Maryland 21401**

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Executive Summary

Over the past three years, the Trial Court Research and Improvement Consortium (TCRIC) has developed a process for a "quick and clean" assessment of programs to assist self represented litigants. The process uses an Executive Program Assessment Tool, seven survey instruments and a process involving a paid consultant and a volunteer from another court to gather and analyze data, assess program effectiveness, and make recommendations for improvement in a court's program. This project tested that Executive Program Assessment Tool in nine programs in five states to determine how it would work in practice.¹

The project was conducted by the Maryland Administrative Office of the Courts on behalf of TCRIC. The participating programs were the Family Law Self Help Program for the state of Alaska, the Fourth Judicial District Court in Hennepin County, Minneapolis, Minnesota, five courts in Maryland – the Circuit Courts for Baltimore City and Harford, Montgomery, Prince Georges, and Worcester Counties, the Maricopa County Superior Court, Phoenix, Arizona, and the Eleventh Judicial District Court in Miami/Dade County, Florida.

The hypotheses underlying the TCRIC "quick and clean" process were:

- an assessment can be conducted quickly – based on a one week site visit preceded by data gathering and interview scheduling, using a standard assessment tool and survey forms, producing a report the following week;
- this sort of assessment is affordable for most courts;
- it will produce worthwhile information for the court assessed; and
- it will produce data that can be used for nationwide benchmarking for courts.

The nine tests showed that all four hypotheses are true.

The process turned out to take more time than expected, in these respects:

¹ The project was supported by grant number SJI-03-104 from the State Justice Institute to the Maryland Administrative Office of the Courts, Department of Family Administration, which conducted the project on behalf of TCRIC. TCRIC expresses its appreciation to the State Justice Institute for this support.

- the courts expended considerable time and energy administering the surveys, scheduling interviews for the site visit, and working with the assessment team while they were on site;
- the courts were not prepared for the time required for the data analysis step in the survey process. The Hennepin County staff performed extraordinarily well, turning the data around within a day or two once it received the scored survey forms.
- the consultants were able to produce the reports within a week or two following the visit, depending on their work schedule. Immediate production of the reports was not possible when the consultant was doing the assessments back to back (especially with more than one per week).
- more time was consumed by the volunteers in reviewing the reports than by the consultants in preparing them;
- the courts were unable to review the reports within a two week period. Several courts took months to complete their review; some courts never submitted comments on their report.

Nonetheless, it is fair to conclude that the process was much quicker for the courts than most traditional evaluation processes and that the assessment process can be completed by all courts within eleven to twelve weeks.

The process was inexpensive, in terms of the external costs, but more expensive than anticipated in the data gathering and preparation stages.

- The consultants were able to perform their roles for \$7000 per court, plus travel expenses. The volunteers were able to get permission from their courts for time off from their regular duties to participate in the assessments. The Hennepin data analysis cost less than \$1000 per participating court.
- The courts found the survey administration process very burdensome, especially the in-court observations – by staff and by judges. They also found that arranging a week's interviews also consumed considerable time and effort. The courts on average devoted roughly \$8000 per court in staff time to the assessment process.

The courts report that the assessments were valuable, giving them valid and useful observations on the performance of their programs and perceptive suggestions for improvements and enhancements to be made in their programs.

A summary of the programs assessed, the results of the data collection for all nine jurisdictions, and a summary of the principal recommendations that arose from the assessments is included in this report.

The project produced significant new data on programs to assist self represented litigants:

- that the programs are highly appreciated and rated by litigants, both at the time they use the program's resources and after they leave court hearings;
- that self represented litigants rate the fairness of court proceedings very highly, whether or not they believe they prevailed in the matter;
- that judges report in general surveys that self represented litigants generally are incapable of representing themselves competently, especially in contested matters; however, the same judges when rating the performance of self represented litigants in specific hearings over which they preside, give them satisfactory ratings; and
- that stakeholder satisfaction ratings appear to be more a function of a program's outreach to its constituents than of the quality of the program itself.

The principal recommendations contained in the assessment reports are:

- Expand the scope of the court's efforts from a single program to the entire court
- Expand the scope of the court's efforts to include assistance with contested matters and with trial preparation
- Expand the scope of the court's efforts to provide assistance to self represented litigants in post judgment matters
- Triage cases and ensure the availability of appropriate levels of services for all litigants
- Train judges how to deal effectively with self represented litigants in the courtroom
- Pay more attention to active management of cases involving self represented litigants
- Create statewide definitions of legal information and legal advice, provide training in the application of those definitions, and have supervisors monitor staff performance and correct staff as needed to fully implement those definitions in practice
- Adopt a more sophisticated forms process
- Reduce the reliance on "in person" services and increase the use of telephone, Internet and other delivery modes

- Mandate attendance at workshops and use of programs to assist self represented litigants; develop videotape and on-line workshops that satisfy the workshop attendance requirement
- Enact ABA Model Rule 1.2 to allow limited scope representation to encourage attorneys to provide limited legal services to litigants,
- Enact ABA Model Rule 6.5 that allows pro bono attorneys working in courthouse programs to dispense with conflicts checks, and
- Increase program outreach.

The consultants and observers who conducted the assessments found the data from the surveys very useful. When the data for a court showed significant differences from the national "norm," they were always able to verify – and explain – those differences through personal observations and interviews.

The project has produced data for nationwide benchmarking. Although the data is accompanied by numerous caveats we believe that it is valid for use by the courts assessed and for other courts desiring a benchmark against which to measure their own performance.

- as noted above, the consultants and volunteers were able to verify and explain significant local variations from national norms during the site visits.
- Greacen Associates conducted a month-long survey of litigant and lawyer satisfaction with the conduct of family law cases in Maricopa County roughly six months prior to the TCRIC assessment survey process. The results from the Greacen Associates study are strongly correlated with the results of the TCRIC surveys.
- The court exit surveys tended to be conducted with litigants leaving uncontested proceedings before court masters or commissioners, not from contested court proceedings. However, the nature of the proceeding was not recorded, so there is no way to gauge the type of proceeding in interpreting the data.
- With the exception of the Fourth Judicial District in Hennepin County, all data collected related to family law cases. In Hennepin County, the data related to a variety of different case types. For nationwide benchmarking, only the family law data from Hennepin County is being used.

The project has produced additional learnings:

- that the focus of these assessments should not be merely on a court's program to assist self represented litigants, but rather on the

effectiveness of the court as a whole in dealing with cases involving these litigants;

- that the TCRC Executive Program Assessment Tool is not useful for "self assessments" conducted internally by a court's own staff;
- that the tool itself needs refinements; and
- that two of the survey instruments – the in-court observation instruments – should be dropped and changes should be made in the remaining five instruments to make them easier to administer and to make their results easier to interpret.

The report ends with a series of recommendations for ways to encourage the further use of the Executive Program Assessment Process and to follow up on some of the more interesting issues disclosed in during the assessments. They include:

- Confirmation of the changes to the tool and survey instruments by the Trial Court Research and Improvement Consortium
- Outreach and promotion
- An assessment resources register
- Future follow up on the impact of the assessments, and
- Following up on new questions raised by the assessment results, such as judge-litigant interactions, integration of self represented litigant issues into standard case management training curricula, studies of the effectiveness of efforts to prepare self represented litigants for hearings and trials, and studies of the causes of non-use of programs by self represented litigants.

Attached to this report are all nine project assessments, the benchmarking data being provided to the National Center for State Courts for posting on its website, and proposed revisions of the Executive Program Assessment Tool, the survey instruments, and the instructions for administering the surveys for further use by TCRC and courts.

This report is the product of the Maryland Administrative Office of the Courts, the project principal consultant, and the consultants and volunteers who participated in the nine assessments. It incorporates comments received from some, but not all, of the courts assessed. It has not been reviewed or approved by the membership of the Trial Court Research and Improvement Consortium.

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Background

When it held its first meeting in 2001 in San Jose, California, the Trial Court Research and Improvement Consortium identified programs to assist self represented litigants as its highest priority topic. The group approached the topic from two directions – traditional program evaluation (which has been conducted by the California Administrative Office of the Courts on five pilot projects in California) and an abbreviated "quick and clean" assessment approach referred to as the "Kiefer track" because it was suggested and developed by Peter Kiefer of the Maricopa County Superior Court.

The objective of the Executive Assessment Process is to obtain useful and nationally comparable information for a trial court quickly and cheaply. As compared to the traditional full scale evaluation process, which takes more than a year to complete and costs hundreds of thousands of dollars, the "Kiefer track" is designed to be completed within a two month time period, at a cost of less than \$10,000 in out of pocket costs to a court. This project was designed to test whether the "Kiefer track" produces valuable information for courts and data that can be used nationally to "benchmark" the performance of programs to assist self represented litigants.

The Executive Assessment Process consists of an assessment tool of thirteen pages, seven survey instruments, and instructional memoranda for courts and consultants. The design of the Assessment Process was for court staff to administer the seven survey instruments in advance of a site visit by a consultant and a volunteer from another court's program to assist self represented litigants. Court staff also prepared an itinerary of interviews and observations for the assessment team for the site visit.

The Fourth Judicial District Court in Hennepin County, Minnesota, provided technical support by preparing the survey instruments for the participating courts, machine scoring the completed surveys, and providing the results to the court and to the assessment team.

The test was to include ten sites – eight with outside assessors (five in Maryland, Hennepin County, Maricopa County, and Miami/Dade County) and two California courts that intended to perform self assessments. The self assessments were to involve the administration of the survey instruments followed by an internal assessment of the court's programs to assist self represented litigants.

The State Justice Institute provided grant funding to the Maryland Administrative Office of the Courts to support this test of the Executive Program Assessment Tool and process. Each participating court, except for those conducting self assessments, pledged to contribute \$1500 in "hard match" toward the consultant costs and at least \$5000 in "soft match" – the time of their staff devoted to the project. Alaska joined the project after the State Justice Institute grant award and paid the full \$7000 to the consultant plus travel costs for the consultant and a court volunteer.

The assessment visits were to take place over a one week period, with the draft report delivered to the court the following week. The court was to review the report and provide comments within two weeks, with a final report provided shortly thereafter. The whole process – from the beginning of the court's data gathering process to the delivery of the final report – was to take roughly two months.

Process Results

All nine of the consultant-based assessments were completed. Neither of the two self assessments took place. In Los Angeles County, budget reductions led to a staff reorganization that eliminated the unit that would have conducted the self assessment. In Orange County, the court was not able to muster the effort needed to initiate the self assessment.

The site visits were generally for a full week. Visits in Prince Georges County and Baltimore City were for four days. The visits to Harford and Worcester Counties were scheduled for three and two days respectively, because the jurisdictions were small. Harford County has five full time judges and Worcester County has two.

Each site visit began with an entrance interview during which the assessment team met with key court leaders – at least the presiding judge of the family division, the division court administrator, and the director of the court's program to assist self represented litigants – to discuss the objectives and process of the site visit and to review the results of the data collection effort, comparing the court's results with benchmark data from other courts. At this interview, the team was able to convey its need for additional data and to suggest additional interviews that would be helpful. That discussion often helped the assessment team to focus its attention on a few key questions – such as learning why lawyers or judges had an unusually negative view of the program, why litigants considered that they did a poor job representing themselves, or why litigants reported dissatisfaction with the waiting time before they were served.

Site visit schedules were left relatively open on the second to last day or afternoon of the site visit to accommodate additional interviews to address questions identified by the assessment team. Team members usually split up

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following a few initial interviews to increase the amount of information gathered. They conferred in the evenings – usually over dinner – to make sure that they shared all essential information gathered.

Each site visit ended with an exit interview, at which time the assessment team met again with the court's leadership, presenting its findings and recommendations in the form of a PowerPoint presentation, and obtaining immediate feedback from the judges, administrators, and program director.

Each assessment team reported that it had sufficient time to conduct essential interviews and observations, though one team would have liked more time on site. The most difficult scheduling problem was to arrange for team members to observe contested court cases involving self represented litigants. All teams found that so many contested matters settle at the last minute that it is difficult to find a proceeding to observe within a four or five day time period.²

Consequently, it should be possible to complete site visits using the assessment tool in most courts within four days. Court staff should work with the assessment team to give priority in scheduling to court observations of contested matters involving self represented litigants. That is, if a contested matter suddenly appears on a court calendar, staff should attempt to reschedule other interviews planned for that time.

The Alaska assessment was of a program with statewide coverage. The Hennepin County assessment included visits with state level officials to obtain their views of the Minneapolis program. Both were completed within five days, but neither could have been completed in a shorter time period.

Timeliness of the assessments

The process turned out to take more time than expected, in these respects:

- the courts expended considerable time and energy administering the surveys, scheduling interviews for the site visit, and working with the assessment team while they were on site;

² One might conclude from this experience that contested hearings and trials involving self represented litigants are rare. However, in its study of the Family Court Department in Maricopa County, Arizona, Greacen Associates obtained completed survey forms from 963 self represented litigants in proceedings before judges (which were likely to have been contested) over the course of a four week data gathering period. The court had 25 active family department judges at the time, suggesting that each had an average of at least five proceedings involving self represented litigants per week, assuming that each such proceeding included two unrepresented parties. One proceeding per day per judge is not a rare event.

- the courts were not prepared for the time required for the data analysis step in the survey process. The Hennepin County staff performed extraordinarily well, turning the data around within a day or two once it received the scored survey forms.
- the consultants were able to produce the reports within a week or two following the visit, depending on their work schedule. Immediate production of the reports was not possible when the consultant was doing the assessments back to back (especially with more than one per week).
- more time was consumed by the volunteers in reviewing the reports than by the consultants in preparing them;
- the courts were unable to review the reports within a two week period. Several courts took months to complete their review; some courts never submitted comments on their report.

Nonetheless, it is fair to conclude that the process was much quicker for the courts than most traditional evaluation processes and that it can be completed within an eleven or twelve week time period – four weeks for data collection by court staff, one week for data analysis, one week for a site visit, two weeks for preparation of the report, two weeks for court review and comment and one week for incorporation of the comments into a final report.

Cost

The process was inexpensive, in terms of the external costs, but more expensive than anticipated in the data gathering and preparation stages.

- The consultants were able to perform their roles for \$7000 per court, plus travel expenses. The volunteers were able to get permission from their courts for time off from their regular duties to participate in the assessments. The Hennepin data analysis cost less than \$1000 per participating court.
- The courts found the survey administration process very burdensome, especially the in-court observations – by staff and by judges. They also found that arranging a week's interviews also consumed considerable time and effort.

The eight courts that were part of the Maryland AOC grant reported expending \$63,000 in "in kind" contributions to the project. In sum, the courts donated as much of their own staff time administering surveys, preparing for the site visit, and assisting the assessment team during the site visit as the project

spent on the outside consultants and data analysis. Some of these costs can be eliminated by dispensing with the in court observations. But courts using the assessment process in the future need to anticipate contributing roughly this amount of time to the effort.

Value of the end product

The courts universally reported that the assessment reports were very valuable. The assessment of program strengths and weaknesses were accurate and insightful. The recommendations were sophisticated and worthwhile. Some courts did not agree with all recommendations, but nonetheless appreciated the reports and the assessment process.

The quality of the reports, which are attached, speak for themselves

Substantive Results

This section of the report describes the nine programs assessed, provides comparative data gathered for those programs, assesses the validity of the data, and sets forth the most frequent recommendations contained in the nine assessment reports.

Combined, this information provides an important overview of the "state of the art" in court services for self represented litigants as of 2004 – including their diversity, their strengths and their weaknesses.

Descriptions of court programs assessed

Here are brief descriptions of the nine courts assessed. The first paragraph or paragraphs describe the court's program to assist self represented litigants. Most of these programs are housed within the family division of the court and assist self represented litigants with family law matters.³ The remaining paragraph or paragraphs describe the broader context within which the court handles family law cases and those brought by persons representing themselves. Readers can find further detail on court and program operations in the nine individual assessment reports. The five Maryland courts are described first.

³ The programs in the Fourth Judicial District in Hennepin County, Minnesota are the exception, providing services to unrepresented litigants in multiple case types. Attorneys in Worcester County will deal with other legal issues brought to them by clients, provided they can be addressed quickly and fall within the expertise of the attorneys.

Baltimore City Circuit Court, Maryland

The self represented litigant assistance program is operated by the Legal Aid Bureau under contract to the court. It operates with one attorney and two paralegals, part-time each day. The program provides legal information only; the staff prepare forms for litigants and answer their questions. The program is means tested. It is not integrated into other functions of the family division but is integrated with the broader legal services program of the Legal Aid Bureau.

The court has three judges assigned full time to family matters. It maintains two separate calendars for family cases. The domestic miscellaneous calendar deals with child support establishment and enforcement. The equity calendar deals with all other family law matters. The court maintains information on these calendars in separate automated systems and the files are maintained by separate, though co-located, units of the Clerk of Court. The court uses three "master examiners" to hear default and other contested matters; they operate from their own private law offices and charge \$125 per case. The Associate Director for the family division reviews and refers family cases to different tracks according to the court's case management process. The court operates a major POARP program to assist victims of domestic violence. It has a variety of programs to assist children and parents who never lived together as a family (where paternity is established, visitation may be involved, and child support is ordered). It provides classes both for parents and for children involved in divorce; a separate class is presented for parents and children who never lived together as a family. The Clerk of Court family unit provides forms and information to self represented litigants. The court provides custody evaluations, mental health assessments, and mediation services for selected cases. Members of the bar provide free settlement conference services for other cases.

Harford County Circuit Court, Bel Air, Maryland

The court has three self represented litigant assistance programs in the courthouse and cooperates closely with the Harford County Bar Foundation pro bono program that operates from the legal aid office a few blocks away. Three part-time paralegals, working at the front counter of the Clerk of Court's civil filing area, provide information and assistance to litigants; they also provide information by telephone. A contract attorney provides legal advice to the paralegals, and to litigants upon referral by the paralegals. Volunteer attorneys provide a Pro Se Conference program which attempts to settle cases involving two self represented litigants. The Harford County Bar Foundation provides pro bono representation for qualified persons. The first three programs are not means tested; the pro bono program is. These programs are very well integrated with the rest of the court.

The court has five judges; all hear family law matters. It has a part-time retired judge who conducts settlement conferences for family law cases two days a week. It has two masters who handle uncontested divorces and *pendente lite* matters involving property (temporary matters involving child support, alimony and use or possession of the home). The masters operate from their own private law offices, which are close to the courthouse, and charge fees of \$100 per uncontested divorce and \$35 per financial calculation. A third master working in the courthouse has recently been assigned to handle family cases two days per week. The Family Division staff review cases and refer them to alternative disposition processes according to the court's case management plan. Family Court Services provide an array of classes, mediation, custody evaluations, psychological evaluations and other services. The Harford County Pro Bono Committee recently published a comprehensive report on public assistance to the poor in Harford County – . . . *and Justice for All: Opening the Courthouse Door*. The report assesses current bar, court and legal services efforts and makes thoughtful recommendations for improvements.

Montgomery County, Rockville, Maryland

The court has three full time attorneys and a paralegal who conduct the Pro Se Project which provides legal advice and forms preparation for self represented litigants. The program is means tested; persons who do not qualify financially are provided with forms and information. The project maintains a conflicts data base; persons in a case in which the other party has been served are seen by a different attorney and are given only legal information. The program provides only in person services in the courthouse. It has two Spanish-speaking staff members who provide extensive assistance to Hispanic residents of the county. The program is exceptionally well integrated with the rest of the court.

The court has six judges assigned full time to family law cases. It has five full time family court masters, all located within the courthouse. The court has a well articulated and thoughtful differentiated case management plan for family cases, which it applies consistently and effectively. The masters hold scheduling conferences in all cases, handle uncontested divorces, and hear contested matters that will take no more than a day to try. A facilitator is on hand in the courthouse to help the parties settle matters in dispute upon referral from a scheduling conference. The court has a group of four case managers who review all case files prior to hearings and trials to make sure that the cases are ready and the paperwork complete. Staff units provide mediation and custody evaluation services. The Clerk of Court is fully committed to the effort to assist self represented litigants; her staff provide forms, answer questions, and make referrals to the Pro Se Project.

Prince Georges County, Upper Marlboro, Maryland

The court has three self represented litigant assistance programs. Eight paralegals provide legal information and forms to litigants both in person and over the telephone. These staff are located at the public counter serving persons who appear for hearings before the family division. The Law Foundation of Prince Georges County, under a contract with the court, hires two part time lawyers to provide legal advice to litigants who do not know what they want to accomplish. That program is means tested (the other Prince Georges County programs are not means tested); conflicts are handled by pro bono volunteer attorneys. The Pro Se Orientation program provides a two hour educational seminar covering divorce law in Maryland and the court process. The program is voluntary. The three programs are extremely well integrated with the rest of the court.

The court assigns nine judges full time to the family division, but any judge of the court can be assigned to hear a family matter when the master calendar so requires. The court has three full time masters, all located within the courthouse, who hear uncontested divorce matters and contested matters that can be resolved within a half day. The court staff conduct scheduling conferences, attempt to resolve issues in dispute, and, when they are successful, refer the matters to a master for hearing and disposition that day. Cases not resolved are scheduled for services and for further court events. The court provides fee-based services for family law litigants, including parenting classes, mediation, custody evaluations and mental health evaluations.

Worcester County, Snow Hill, Maryland

The county contracts with two attorneys who come to the courthouse for five hours every Monday to provide legal information and complete forms for litigants. The two attorneys staff the program on alternating Mondays. The program is not means tested. When one attorney has seen the opposing party, the other party is referred to the second attorney. The program is reasonably well integrated with the rest of the court, with the exception of the Clerk of Court's office which is not involved significantly in assisting self represented litigants. The court also works closely with the Worcester County Bar pro bono program, which works through the Maryland Volunteer Legal Services program.

The court's two judges both hear family cases. A part time master, located within the court, conducts scheduling conferences and hears uncontested matters. The court also uses "standing examiners" to take testimony in uncontested divorces for a fee of \$75 per case. The Family Support Services Coordinator reviews all case files and makes referrals to services as appropriate. The county makes referrals to an astonishing array of program

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services (16 in all) all of which are conducted for the court by outside entities. Mediation is provided by a panel of volunteer local attorneys.

Alaska

The Alaska Family Law Self Help Center is physically located within the Third Judicial District in Anchorage but provides services to self represented litigants throughout the state of Alaska. It differs significantly from the other programs assessed in two major ways – its principal focus is on assisting self represented litigants with contested divorce and child custody matters and it delivers its services exclusively⁴ by telephone and the Internet.

The program is staffed by two part-time attorneys and four non-lawyer staff members. The program attempts to keep one staff member who is fluent in Spanish. The program provides five types of services – a webpage containing forms and information, telephone service with a general toll number (available from anywhere in the world) and an in-state toll-free number, self-help workstations in seven court locations, educational classes, and a VAWA funded domestic violence program for Anchorage only. Attendance at the educational classes is mandated by the judges in Anchorage for all self represented litigants with contested divorce or child custody cases. The program offers legal information, not legal advice. The staff who handle most of the interactions are not lawyers. They read a disclosure statement to every first time customer, obtaining a response that the customer understands and agrees to the limitations contained in the statement.⁵ The program has always assumed that the litigant would actually complete any court form to be submitted.

The staff have access to the court system's case management information system; they can therefore easily ascertain the status of a caller's case. For courts not yet on the centralized case management system, staff coordinate with local court staff to obtain whatever information or clarification is necessary. If the caller has immediate Internet access, staff often "walk" a user through the FLSHC website to find the appropriate forms and information. If a caller seems to lack the capability to navigate the website, staff help him or her to identify a third party to involve in the discussion. The staff can communicate simultaneously with the litigant and the third party, who can then assist the litigant to find, complete and file appropriate papers.

⁴ The program has one part day/once a month in-person clinic in a community outside Anchorage which is maintained at the request of the local court.

⁵ The notification – which seems to us to be entirely appropriate – provides

(1) that the program is part of the court and therefore has to be neutral and impartial, not taking sides,

(2) that the staff are not lawyers and are providing only information, not interpretations of laws or strategies for your case,

(3) that conversations are not confidential, and

(4) that if the other side calls, the staff will give exactly the same kind of help to him or her as they give to you.

The FLSHC website includes extensive materials for litigants preparing for trial or hearing. It sets forth the elements that the judge will use in deciding a family law matter. It provides a description of how one gets evidence introduced in the courtroom. It provides a witness list and an offer of proof form; if a litigant uses these materials s/he will have thought through the testimony that each witness will be able to give and how it contributes to the case. The website includes an affidavit for the "best interests" of the child, calling for the litigant to state how the custody and visitation plan that s/he supports will meet the statutory elements the judge must consider. It includes a short, clear description of how a hearing or trial is conducted so that a litigant has a better idea of what to expect.

When program staff inquire about the availability of client access to the Internet, roughly 85% reply affirmatively.⁶ In addition, the telephone is a much used means of communicating in Alaska, with telephonic hearings widely allowed, even if the party lives within the town in which a hearing takes place.

The telephone process currently in place is the result of considerable experimentation. The Helpline is open for set periods during the week. The current times – put in place very recently – are Monday, Wednesday and Friday from 8:30 am to noon and Tuesday and Thursday from 1:30 pm to 4:30 pm, which totals 16.5 hours/week. When staff make contact with a person, they give out their personal telephone numbers at the program office. For the past year, the program used voice mail for both the Helpline and the personal staff lines. Ironically, analysis of program data showed that the staff actually helped more people with shorter Helpline hours and no voice mail on the Helpline telephone line in 2002 and 2003 than with longer Helpline hours and voice mail in 2004.

Domestic relations cases are handled in the Superior Court – the court of general jurisdiction in Alaska. All judges handle mixed calendars; no judge is assigned to hear family law matters exclusively. Under Alaska law, "dissolution" of marriage is available to parties who consent to all the terms of a divorce. "Divorce" is available for consensual and contested matters, but is designed for contested matters. Dissolution matters are usually heard by masters; divorces are heard by judges. Clerk's offices provide printed forms for dissolution and refer litigants to the FLSHC for forms and assistance for divorces. Alaska Legal Services provides very limited representation in family law matters; the Alaska Supreme Court has recently approved amendments to the rules of professional responsibility and to the rules of civil procedure officially authorizing lawyers to provide unbundled legal services, which had been approved in a bar ethics opinion a number of years ago. The Alaska Supreme Court has a unique series

⁶ For these purposes, Internet access is defined as having a personal e-mail address. Free, public Internet access is widely available throughout Alaska via libraries, tribal offices and schools.

of legal precedents requiring trial judges to accommodate the reasonable needs of self represented litigants in the courtroom.

Fourth Judicial District Court, Hennepin County, Minneapolis, Minnesota

The Hennepin County program is the most comprehensive program assessed. The court operates two Self Help Centers located in different court facilities. The programs provide assistance on any type of case. The services provided include triaging by staff and volunteer attorneys to identify a litigant's issues and legal remedies available to address them, providing and assisting in completion of forms, providing information about court processes in the form of fact sheets, brochures, booklets and videotapes, assisting litigants preparing for court hearings and trials, and preparing affidavits, motions, and letters generally in response to requests from the judiciary before, during, or after a hearing, and assisting litigants to understand court orders. The court provides a general clinic addressing all case types, and specific clinics for family law, housing law, and criminal expungement issues. Through the use of both court staff and contract and volunteer attorneys, the Centers provide a full range of legal information and legal advice to self represented litigants. Interpreter services are available for persons needing them; the Centers provide interpreters for all court functions, using their own staff and a local non-profit organization. All services are provided in person.

The Centers have a full time director, 7 full-time staff (4 senior court clerks, 1 staff attorney, 1 paralegal, and 1 volunteer coordinator), 1 full-time attorney from Central Minnesota Legal Services through a court funded contract, 17 volunteer paralegals, 18 volunteer law students, 60 volunteer attorneys, a housing law attorney (60% time) funded through a county contract with Legal Aid of Minneapolis, and a family law attorney (20% time) funded through a grant from McKnight Foundation to Central Minnesota Legal Services. The Centers' various programs are managed jointly by the court, the local bar association, and the local volunteer attorney program ("Volunteer Lawyers Network", a non-profit corporation.)

The programs of the Centers are well integrated into the work of the court as a whole. Court clerks provide triage services and refer people to Center programs and community resources. Center staff screen all family law motions as required by local court order. The court provides interpreters as needed for all court proceedings. The court has not focused on the development of Internet-delivered services; the Minnesota judicial system website hosts a variety of forms and information; the Minnesota legal aid community has provided extensive and excellent public legal information through the www.lawhelp.org/mn website.

Maricopa County Superior Court, Phoenix, Arizona

When the Maricopa County Superior Court Self Service Center opened in 1995 it provided the model and inspiration for all of the other programs described in this report. The Self Service Center focuses on the provision of forms, checklists and instructions for family law and guardianship matters. Its forms "packets" – containing forms, checklists, and information related to a particular stage of a case, have become highly differentiated over the past ten years. The forms and other materials are now available in both English and Spanish.

The Self Service Center provides these materials in printed form, at a fee of \$4.00 per packet to defray the costs of the program. It also provides the forms in an electronic version on court computers and on the court's website; access to these materials is free of charge. The forms cannot be completed through the website. The court has maintained a sophisticated telephone tree system of recorded information, containing over six hours of court and legal information, capable of serving up to 120 callers simultaneously. The system suffered a hard disk crash this year, destroying all of the information supporting the system; the court is reconstructing the system. The court provides very little in-person consultation, relying upon litigants to read and understand the materials provided. A program of the local Community Legal Services program called Family Lawyers Assistance Program ("FLAP") provides volunteer attorneys who are available to provide legal advice to persons meeting a means test.

The Self Service Center now operates from all three of the court's physical locations, which are widely scattered throughout Maricopa County, one of the nation's geographically largest urban counties, which includes many small outlying rural communities.

The Self Service Center, in conjunction with the State Bar of Arizona, also pioneered the provision of unbundled legal services. The Center maintains a directory of attorney and mediator unbundled services providers. The State Bar ethics officer provides regular training sessions on providing unbundled legal services; attorneys must complete the training in order to have information on their services entered into the directory.

The Family Law Department of the Superior Court has 25 judges and 8 commissioners. The court has a sophisticated Family Violence Prevention Center, separate from the Self Help Center, that provides more extensive assistance to victims of domestic violence. The FVPC provides "dialog" software that completes domestic violence petitions and electronically populates draft orders for judges and commissioners to use in entering protection orders. The FVPC also has family violence counselors from a women's shelter available to provide information and to accompany a victim to the courtroom for the hearing on the petition. Two years ago the court created a position of Family Court

"navigator" to provide assistance, mostly over the phone, for litigants encountering difficulties with the court's procedures.

During 2004, the Family Court Department has begun a number of significant changes to enhance the services of the Self Service Center and to institute court-wide programs designed to assist self represented litigants to navigate the court's processes more simply and quickly. "E-Court" will use the dialog technology of the FVPC to produce completed forms for litigants, together with a cover sheet providing directions on next steps. Staff assistance will be available to litigants using this software. "E-Decree" will create an electronic divorce decree maintained as part of the court record and completed as each decision in the case is made over time – either by agreement among the parties or by court ruling. When the final decision is made, the decree can be completed and printed for delivery to the parties in court. "Default on demand" allows any party, on one day's notice, to come to court to obtain judicial approval of a divorce by default; staff provide assistance to prepare or revise any documents needed to complete the process on the day the party comes to court. "Resolution management conferences," piloted in one of the court's locations, are now being used throughout the Family Court Department to bring all parties into court 75 days after a response has been filed; at these conferences, court staff attempt to resolve all outstanding issues with the parties and to prepare documents needed for the entry of a decree that afternoon. If agreement cannot be reached, the court advises the parties of the steps that will be required and schedules the case for trial.

Eleventh Judicial District Court, Dade County, Miami, Florida

The Eleventh Judicial Circuit is unique in mandating use of the program by self represented litigants. As an added feature, the Eleventh Judicial Circuit self-help staff use a mobile "Government on the Go-Bus" to bring the program to under-serviced areas of Miami-Dade County on a monthly basis.

The court has one primary program to assist self represented litigants – the Family Court Self Help Program – located in the main courthouse in downtown Miami. The program is staffed by one program coordinator, one full-time attorney, four paralegals and three additional staff members for a total of nine full time equivalent staff. The program provides services in English and Spanish, with regular contract interpreter service provided for Creole. The program provides face-to-face technical assistance, daily classes on how to fill out routine forms, sales of "Forms Packets" containing forms and instructions for various family law filing and processing activities, and some telephone support.

The array of activities performed by the Eleventh Judicial Circuit Family Court Self Help Program includes:

- Providing forms and instructions so that pro se litigants can file legally sufficient/court-approved documents.
- Reviewing all initial filings for completeness and compliance with statutory requirements.
- Explaining the legal process to avoid lack of service, ex parte communications, and non-compliance with orders.
- Providing information and making referrals to legal and social services.
- Performing an intake function to streamline litigation and refer litigants to outside agencies for non-legal issues.
- Scheduling final hearings for self represented litigants.
- Reviewing all notices of hearings, final judgments, and attached marital settlement agreements.
- Referring litigants to pre-filing mediation to address child support issues and issues that need to be formalized in writing.
- Checking all inmate/prisoner mail and filings.
- Checking all out of state/out of jurisdiction filings.
- Performing interagency coordination with the Case Management Unit, Domestic Violence Unit, Family Court Services, Clerk's Office, State Attorney/Child Support Enforcement Division, and the Law Library.
- Notarizing documents for litigants, as required.
- Performing community outreach to increase access to court for residents of hard to reach areas of the community by taking Self Help services and providing information on all court programs on the road with the Government on the Go bus and by special community events.
- Increasing access by making forms available in two branch courts (north and south) and on the Government on the Go bus which serves North Miami Beach, Homestead and West Kendall every month.
- Providing services (such as uncontested divorce hearings) at temporarily closed courthouses on the Government on the Go bus.
- Providing quick and meaningful access to court to all self represented litigants in emergencies.

Frequently, self represented litigants find themselves in a situation where they need the immediate attention of a family judge for emergency relief and they do not know how to access the courts. These emergencies include but are not limited to: kidnapping, immediate danger to a child, death of a custodial parent, medical emergencies that require the consent of a custodial family member, removal of a child from the state or country, foreclosure of the marital home, utility services disconnected from the home, authority to enroll child in school, writs of bodily attachment for failure to pay child support, drivers license suspensions, and change of custody due to marching orders for military personnel/custodial parent.

Many government agencies require court orders before they will take action in an emergency situation. These agencies often refer self represented

litigants to the Self Help Program for emergency assistance to obtain emergency orders from a Judge. The referring agencies include the police, doctors, hospitals, social workers, schools, Social Security Office, Juvenile Division, Probate Division, State Attorney's Office, U.S. Armed Forces, Domestic Violence Unit, Office of Homeland Security, Department of Vital Statistics, and Department of Children and Families. A judge is designated on a rotational basis to consider emergency orders and the Self Help Program will secure an immediate judicial review if needed.

As a result of the screening process performed by the Self Help Program, self represented litigants file all the statutorily required paperwork at the time of initial filing and expedite the legal process. This helps to educate and empower the litigant as well as promote court efficiency.

In addition to the services enumerated above, the Family Court Self Help Program performs numerous case management functions. The Program's staff assist self represented litigants in moving their case along by explaining the legal process, giving instructions on how to have the other party personally served and how to follow up on their case. Follow up appointments enable self represented litigants to file and process motions for default, requests for hearings, and notices of non-jury trials in order to further their case. All self represented litigants participating in the program obtain a final hearing date from staff.

Comparative data

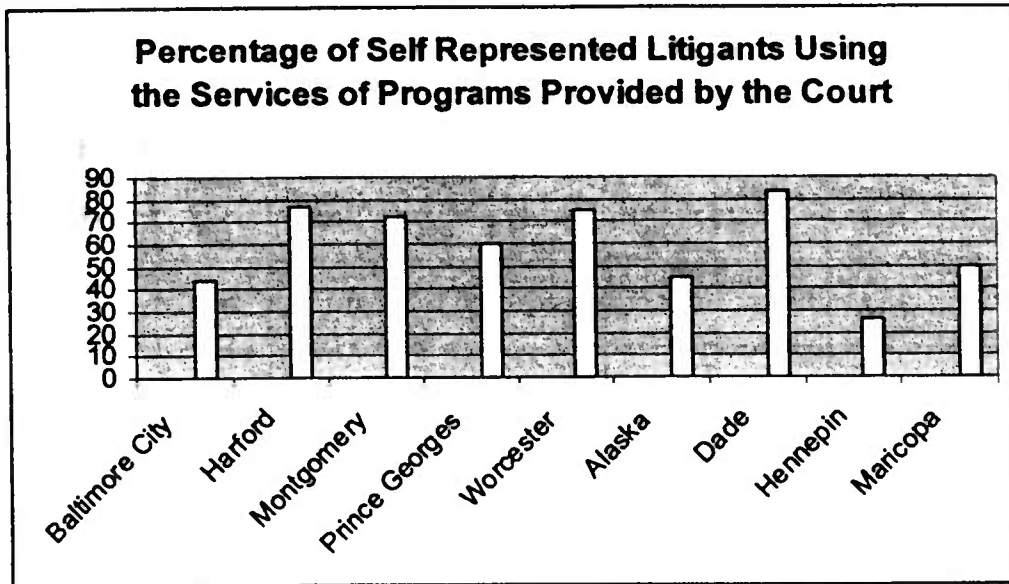
This section of the report contains summary data for all nine assessment sites.

Use of programs to assist self represented litigants

In each court we conducted surveys of self represented litigants leaving courtrooms after court appearances. Among the questions asked was whether they had used the court's program to assist self represented litigants. The answers varied from a high of 83% in Miami/Dade County, where use of the program is mandatory, to a low of 44% in Baltimore City. The rating for Hennepin County is aberrational, because the court exit surveys were administered for litigants in a number of case types for which the court does not specifically provide services.

Overall, the assessments suggest that courts should devote more attention to the issue of outreach to litigants because there is such wide variation in the percentage of program use from court to court. They suggest the utility of a mandatory use requirement following the Miami/Dade example.

Percentage of Self Represented Litigants Using the Services of Programs Provided by the Court



Litigant ratings of programs to assist them and of court processes

The assessments obtained four different types of litigant satisfaction data. The first was their satisfaction with the court's assistance program. This data was collected immediately following a visit to the court's program. All programs rated very well – with overall satisfaction ratings from 1.06 to 1.61 on a five point scale. Generally, a high overall satisfaction score is reflected in consistently high scores on all questions asked. However, there are differences among the program scores that differentiate among programs and among various aspects of particular programs. For example, the program in Montgomery County, Maryland ranks at the top on most of the questions. However, it ranks at the bottom on waiting time required before being served. Our observations validated that rating; the court provides services only on an in-person, one-on-one, first come first served basis and on most days has a large number of persons waiting to be served in the court lobby.

**Comparative Ratings of Programs by Self Represented Litigants
in Nine Jurisdictions
(5 point scale with 1 being highest)**

Question asked of litigants	Balti more City, MD	Harford County, MD	Mont-gomery County, MD	Prince George s County, MD	Worces ter County, MD	Alaska	Dade County, FLA	Henne pin County, MN	Mari copa County, AZ
Overall satisfaction with program	1.06	1.14	1.16	1.45	1.30	1.42	1.61	1.59	1.26
Information helped me understand my situation	1.30	1.21	1.2	1.52	1.52	1.42	1.72	1.64	1.40
I know what I need to do next	1.32	1.34	1.24	1.49	1.52	1.42	1.65	1.66	1.43
Staff knowledgeable	1.20	1.21	1.12	1.35	1.39	1.31	1.57	1.49	1.24
Staff listened	1.24	1.21	1.16	1.35	1.35	1.25	1.50	1.51	1.21
Staff explained things clearly	1.24	1.28	1.24	1.37	1.35	1.33	1.50	1.54	1.28
Staff treated me with respect	1.14	1.17	1.10	1.35	1.30	1.29	1.48	1.44	1.16
I did not have to wait a long time	1.18	1.59	1.84	1.35	1.52	1.48	1.74	1.77	1.21
I would recommend the program to a friend	1.20	1.31	1.16	1.37	1.17	1.31	1.39	1.48	1.22

The reader should use caution in using and drawing conclusions from the above table and the table that follows. The results may be affected by the following factors: that the data is drawn from small numbers of surveys (courts were asked to obtain completed surveys from 50 program users, but smaller courts were not able to do so); that some programs provide services only for family law matters and others (e.g., Hennepin County) provide services covering multiple case types; that courts used different data collection methods (who did the interviews, whether they were they identified as court staff members); and that the particular laws and rules of a state impact how complex or simple the forms are, and may therefore impact the customer satisfaction level with the forms and instructions. On the other hand, the litigant satisfaction ratings correlated very well with the observations of the consultants and volunteers.

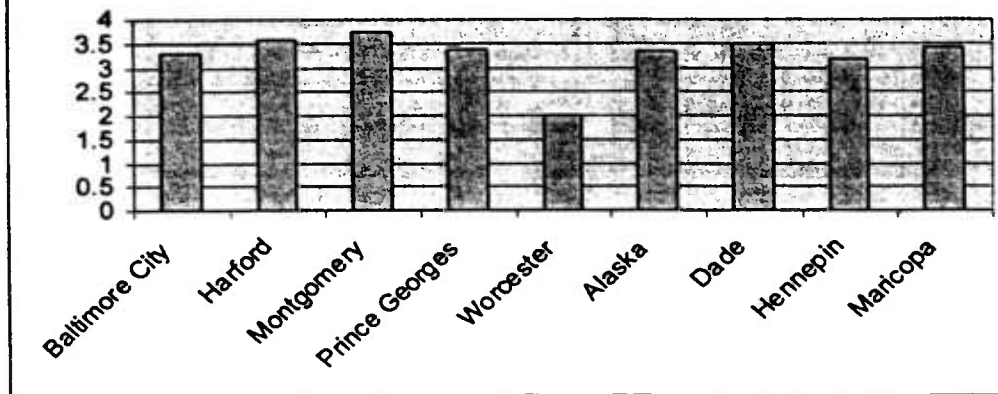
The second type of data was ratings of specific services provided by the court program. Litigants rated these services as Very Helpful, Somewhat Helpful, and Not Helpful. We converted that data into a 3 point rating. Litigants gave very high ratings to the specific services provided in all nine assessment sites. The scores are set forth below.

**Comparative Ratings of Services Provided to
Self Represented Litigants in Nine Jurisdictions
(3 point scale with 3 being highest)**

Question asked of litigants	Balti more City, MD	Harford County, MD	Montgomery County, MD	Prince Georges County, MD	Worcester County, MD	Alaska	Dade County, FLA	Henne pin County, MN	Mari copa County, AZ
Forms	3.00	2.96	2.95	2.80	3.00	2.89	2.76	2.84	3.00
Written instructions	3.00	2.83	2.97	2.76	3.00	2.81	2.71	2.72	2.90
Staff answer questions	3.00	2.92	2.94	2.89	2.95	2.88	2.89	2.90	2.90
Translation assistance	3.00	3.00	3.00	2.96	na	2.64	3.00	3.00	2.92
Workshop	na	na	na	2.95	na	2.78	2.75	3.00	2.92
Prepare for court hearing	na	2.63	2.78	2.83	3.00	2.82	2.79	2.77	2.83
Following up with court orders	na	3.00	2.84	2.93	3.00	2.83	2.73	2.80	2.92
Educational materials	na	2.67	2.86	2.80	2.80	2.82	2.86	2.67	2.96
Where to get more help	3.00	2.83	2.85	2.78	2.90	2.82	2.83	2.83	2.93
Met with attorney (not court staff)	na	3.00	2.95	2.68	3.00	2.10	2.00	2.85	3.00
Referred to an attorney	na	3.00	2.77	2.74	3.00	2.42	3.00	2.25	3.00
Help using computer	na	na	3.00	2.75	na	2.85	3.00	2.33	2.93
Made an appointment	na	na	2.00	2.82	na	2.50	2.80	3.00	2.91

The third rating was the litigants' overall satisfaction with the program as they left the courtroom. Those ratings are shown below. It is clear that litigant satisfaction remained at a very high level for all programs studied, with one exception. But the data for Worcester is suspect because the court was able to obtain only four exit surveys.

Satisfaction with Court Program to Assist Self Represented Litigants Following Court Appearance



The final litigant satisfaction measures were for the courtroom experience itself. The data below represents the litigants' impressions of their performance in the courtroom and the way in which they were treated by the judge and court staff. The results are very high. Of the 108 scores on the table below (excluding the scores for whether the outcome was favorable, which was included as a control variable), only 17 (16%) fell below a score of 4 on a 5 point scale.

On the other hand, there is considerable variation within the scores from court to court and from question to question within each court. For instance, the Montgomery County, Maryland court again had exceptionally high scores. But it did not have the highest score on every question. Its own scores varied from 4.91 to 4.63 on different questions, suggesting that it could improve its services in preparing litigants for hearings and trials – services that it admits that it does not emphasize today. Maricopa County had a high number of lower scores, suggesting that its judges could benefit from training on techniques for handling self represented litigants in the courtroom.

**Comparative Ratings of Court Processes by Self Represented Litigants
in Nine Jurisdictions
(5 point scale with 5 being highest)**

Question asked of litigants	Balti more City, MD	Harford County, MD	Mont-gomery County, MD	Prince Georges County, MD	Worces ter County, MD	Alaska	Dade County, FLA	Henne pln County, MN	Mari copa County, AZ
Felt prepared	4.12	4.13	4.63	4.21	3.00	3.60	4.54	4.19	3.57
Judge treated you with respect	4.45	4.36	4.91	4.79	5.00	4.86	4.87	4.66	4.65
Staff treated you with respect	4.47	4.44	4.91	4.91	5.00	4.83	4.77	4.67	4.64
Judge cared about your case	4.25	4.18	4.74	4.52	5.00	4.52	4.53	4.42	4.09
Judge treated everyone in court fairly	4.20	4.44	4.89	4.71	5.00	4.62	4.77	4.60	4.50
Able to tell the judge everything s/he needed to know	4.01	3.72	4.69	4.42	4.25	4.52	4.46	4.18	3.91
Did a good job representing yourself	4.29	4.12	4.74	4.64	4.50	3.63	4.65	4.02	3.65
Understood the words used	4.49	4.38	4.81	4.91	4.00	4.66	4.55	4.61	4.39
Can explain the outcome of the hearing	4.36	4.41	4.81	4.26	4.25	4.64	4.57	4.87	4.09
Outcome favorable	3.74	3.85	4.84	4.53	4.00	4.27	4.67	3.76	3.45
Judge's ruling fair	3.97	4.19	4.89	4.62	4.00	4.64	4.62	4.18	3.77
Satisfied with what happened today	3.81	3.92	4.89	4.48	2.00	4.18	4.61	4.08	3.68
Do you have more respect for the court system	3.73	3.49	4.80	4.09	4.00	4.38	4.33	3.79	3.62

The reader should again use caution in using and drawing conclusions from the above. The results may be affected by the following factors: that the

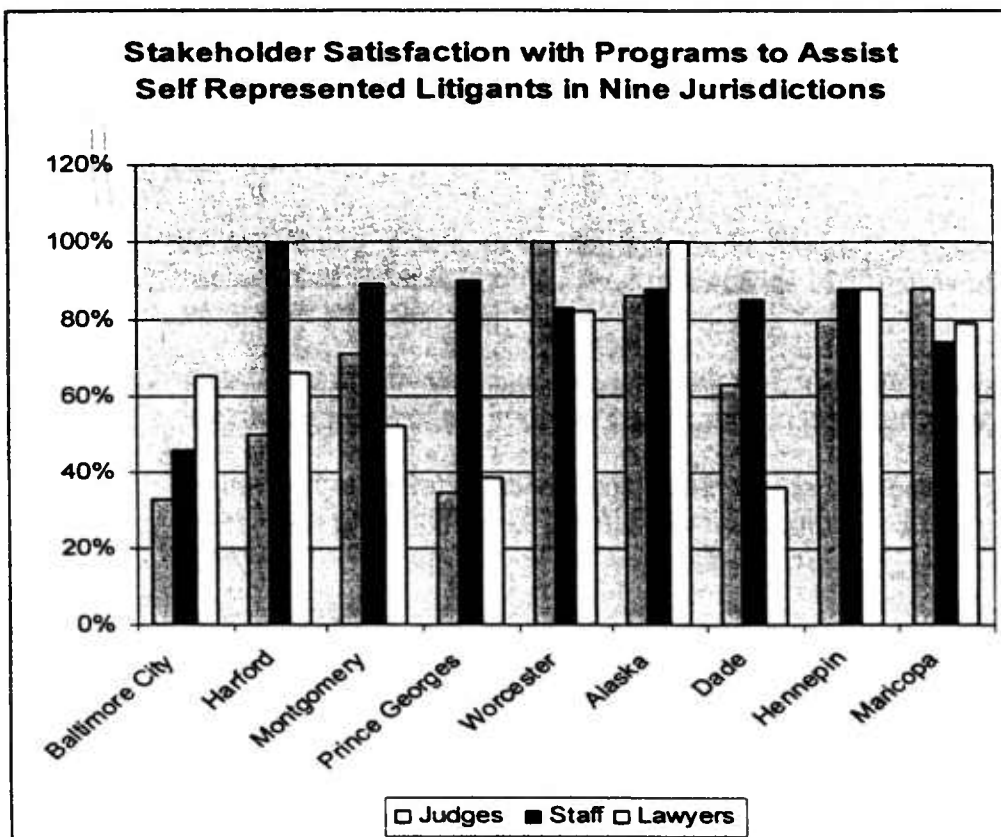
data is drawn from small numbers of surveys (courts were asked to obtain completed surveys from 50 program users, but smaller courts were not able to do so, viz Worcester County, MD which collected only four surveys); that the surveys may have been conducted of litigants coming from different sorts of hearings (for instance, the Maryland data came exclusively from family law matters while the Hennepin County data came from multiple case types; further, most Maryland courts focused their data gathering on cases before masters, which are likely to be simple and uncontested); that state laws impact the difficulty of proving a case (e.g., Maryland law requires proof that the parties have been separated for a period of one or two years, without cohabitation or intercourse, and corroboration of that proof; other states require no grounds for divorce; consequently one would anticipate more problems at the hearing for an uncontested divorce in Maryland than elsewhere); and that in a small court, one judge's practices might affect the score for the court as a whole (for instance, the Administrative Judge's practice in Harford to limit testimony in perfunctory matters may produce that court's relatively low score for a litigant's ability to tell the judge everything s/he feels the judge should know⁷).

Stakeholder satisfaction

Judges, court staff and lawyers were all asked the same question in surveys they were asked to complete – "How would you rate your overall satisfaction with the contributions of the program in terms of making your job easier?" There was surprising variation in those ratings from jurisdiction to jurisdiction. Only one third of the judges in Baltimore City and Prince Georges County were satisfied with their programs, and only half were satisfied in Harford County, while over eighty percent of judges in Dade County, Hennepin County, Maricopa County and Worcester County were satisfied. Court staff support the programs everywhere except for Baltimore City, where fewer than half the staff are satisfied. Lawyer satisfaction was highest in Alaska, Hennepin County, Maricopa County, and Worcester County (over 80%) and lowest in Prince Georges County and Dade County (lower than 40%).

The results are shown in the following chart.

⁷ On the other hand, we interviewed some judges in Harford County who had very negative views of self represented litigants, corroborating the lower ratings for that court. One of the judges so dislikes dealing with self represented litigants that he has decided not to seek a further term of office.



Having visited the programs themselves, the consultants and court volunteers have concluded that stakeholder satisfaction, in most instances, is unrelated to program quality.⁸ It has more to do with a program's outreach to stakeholders and with prevailing attitudes in the local community toward self represented litigants and the propriety of the court's assisting them. Where judges and lawyers were unsatisfied, there was generally significant sentiment that self represented litigants can handle only the simplest of cases and that the court – by providing assistance to them – is misleading the public into thinking that they can handle more complex matters without legal representation. Where judges are satisfied, judges tended not to hold such negative views of self represented litigants.

The courts with lowest stakeholder satisfaction have not conducted significant outreach to their bench, bar or communities.

⁸ The low rating by court staff in Baltimore City is explained by the lack of regular communication between the program to assist self represented litigants, which is operated by the local legal services program on contract with the court, and the staff of the clerk's office.

Validity of project data

The project used seven survey instruments to gather data for use by the consultant and volunteer in conducting the assessments of each court. The instruments are:

- an exit survey of persons leaving the court's program to assist self represented litigants to obtain their perceptions of the utility of the program's services;
- an in-court observation survey completed by court staff to assess the performance of self represented litigants in the courtroom;
- an in-court observation survey completed by the presiding judge to assess the performance of self represented litigants in the courtroom;
- an exit survey of self represented litigants leaving the courtroom following a merits hearing or trial to obtain their perceptions of the effectiveness of the program to assist self represented litigants and their perceptions of the courtroom experience; and
- surveys of judges, lawyers and court staff to obtain their overall impressions of self represented litigants and their satisfaction with their court's program to assist them.

All seven surveys were administered by court staff. The instructions asked each court to obtain fifty completed surveys for each of the seven survey instruments, except for judges and court staff. In those instances, surveys were to be given to all judges and staff who come in contact with self represented litigants. It also asked that the court obtain in-court and exit surveys from the same court events so that the data could be compared; we sought data that would allow us to correlate the performance of litigants in the courtroom with their use of the court's program to assist them. Most courts obtained roughly fifty completed forms for each survey; the data on numbers of surveys completed is set forth in the table below. Maricopa County, Arizona and Worcester County, Maryland were the exceptions. Worcester is such a small court that it could obtain only four courtroom exit surveys in the course of a month long data gathering period. Clearly the data is not valid when the number of surveys collected was that small. Maricopa started the data collection too late and ran out of time, with the site visit coming before the full set of surveys was completed.

The problem encountered in Worcester County suggests a limitation on the use of the TCRIC survey methodology in very small courts. Many small courts do not have 50 court cases involving self represented litigants in the Executive Program Assessment Final Report

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course of a year, let alone a month during which data is collected. In those courts, the court exit data may simply not be available. The revised data gathering instructions suggest that a court dispense with administration of this survey form if it is unlikely that it could collect 20 completed surveys over the period of time during which it is willing to gather data.

Numbers of completed surveys by court

Court	Program Exit	In Court Staff	In Court Judge	Court Room Exit	Judges	Lawyers	Staff
Baltimore City, MD	50	46	45	76	4	34	33
Harford County, MD	29	42	42	53	6	31	29
Montgomery County, MD	50	54	52	54	7	37	42
Prince Georges County, MD	113	61	51	68	30	51	30
Worcester County, MD	23	17	16	4	3	13	6
Alaska	48	49	49	29	39	17	51
Dade County, FL	46	51	22	69	17	12	22
Hennepin County, MN	61	74	70	70	30	41	57
Maricopa County, AZ	58	36	24	23	10	10	43

Greacen Associates was able to perform a simple test of the validity of the TCRIC data for the Maricopa County Superior Court. In the spring of 2004, six months before the TCRIC surveys were administered, Greacen Associates conducted a major study of the operations of the court's Family Court Department. As part of that study, it obtained the court's cooperation to administer satisfaction surveys at the close of every court proceeding for a four week period. The court instructed litigants and lawyers to complete survey forms before leaving the courtroom. Surveys were administered for proceedings before judges, before commissioners, before Conciliation Services mediators and assessors, before Expedited Services officers (who conduct hearings principally on child support matters), before judges pro tem who conduct ADR proceedings, and before attorneys and court staff who conduct differentiated case management meetings. Greacen Associates also conducted exit surveys of persons using the Self Service Center in each of the court's three facilities. Greacen Associates used the TCRIC program and court exit survey instruments as the starting point for these Maricopa County litigant surveys.

Consequently, it has been possible to compare the TCRIC results with results from an independent, more exhaustive study of the same topics in the same court conducted only six months apart. The comparisons are not exact.

The questions are in many instances not exactly the same. The scale used for the program exit data is different. TCRIC used a 4 point scale with 1 being highest; Greacen Associates used the same 5 point scale used for the courtroom exit survey with 5 being highest. The courtroom exit survey data is further complicated by lack of specificity of the source of the TCRIC data – from proceedings before judges or commissioners. The court staff estimate that seventy percent of the TCRIC surveys came from proceedings before commissioners (which are much more likely to be uncontested) and thirty percent from proceedings before judges (which are more likely to be contested). To create a comparable data set from the Greacen Associates study, Greacen Associates created a composite 70/30 weighting its data for commissioners and judges respectively. Finally, the Maricopa County data is drawn from a far smaller number of completed surveys than the data for most of the other courts. It is therefore likely that the data from other courts is more reliable than the Maricopa County data.

Nonetheless, the TCRIC results are extremely close to the Greacen Associates study results. The comparable questions and results for self represented litigants only are set forth below.

Comparison of TCRIC data collected in Maricopa County with data from a one month study conducted by Greacen Associates

Program Exit Survey

TCRIC question	Greacen Associates question	TCRIC score (on a 4 point scale with 1 as high)	GA score (on a 5 point scale with 5 as high)
The staff treated me with respect	Did the court staff treat you with respect?	1.16	4.41
Overall, I am very satisfied, satisfied, unsatisfied, or very unsatisfied with the service I received today.	How satisfied were you with your experience today?	1.26	3.95
The staff seemed knowledgeable.	Did the court staff have the knowledge and skills needed?	1.24	4.10

Courtroom Exit Survey

TCRIC question	Greacen Associates question	TCRIC score (on a 5 point scale with 5 as high)	GA score(on 5 point scale with 5 as high)		
			Judges	Commissioners	Composite
Did the judge treat you with respect?	Did the presiding officer treat you with respect?	4.65	4.46	4.59	4.55
Did the court clerk and other courtroom staff treat you with respect?	Did the presiding officer's staff treat you with respect?	4.64	4.48	4.59	4.56
Did the judge care about your case?	Did the presiding officer care about your case?	4.09	4.10	4.11	4.11
Did the judge treat everyone in court fairly?	Did the presiding judge treat everyone the same way?	4.50	4.25	4.25	4.25
Did you feel you were able to tell the judge everything you thought he/she should know in order to make a decision?	Did you feel you were able to tell the presiding officer everything you thought he/she should know in order to make a decision?	3.91	3.84	4.02	3.97
Did you understand the words used by the judge and other persons in the courtroom?	Did you understand the words used by the Presiding Officer today?	4.39	4.30	4.41	4.38
Are you satisfied with what happened during your hearing today?	How satisfied were you with your court experience today?	3.68	3.83	3.93	3.90
Was the outcome of the case favorable to you?	Was the outcome of the case favorable to you?	3.45	3.63	4.06	3.93

A comparison of the TCRIC data with the Greacen Associates data (the composite score for the courtroom exit data) shows a high degree of consistency in the scores. When the Greacen Associates data is high, so is the TCRIC data, and vice versa. The two instances in which the scores appear to vary is for "Did the judge treat every one in court fairly?" – for which the questions themselves varied significantly⁹ – and "Was the outcome of the case favorable to you?" – for which there is no explanation other than the small number of surveys gathered for the TCRIC assessment.

Greacen Associates conducted tests of statistical correlation of the data from the two data sets – the data collected by Greacen Associates and the data collected for the TCRIC assessment. The correlation between the data is very high. The Pearson correlation for the program exit data is -.991, significant at the .01 level.¹⁰ The significance of the program exit results is diminished by the fact that there are only three data points to compare. The Pearson correlation for the courtroom exit data is .935, also significant at the .01 level. The results demonstrate that the TCRIC data for Maricopa County was highly consistent with the more extensive, thorough data collected by Greacen Associates six months later.

All of the assessment teams found the data useful and reliable. When the assessed court's data deviated from that of other courts, they were invariably able to confirm the data by personal observation and interviews and to learn the reason for the deviation. Because the data was confirmed by direct observation and by the comparison with the Greacen Associates study in Maricopa County, it can be said to be substantiated by "convergent validity" – multiple observations leading to the same conclusion.

The data from all nine assessments suffered from the defect noted for Maricopa County – that there were no controls over the source of the court exit data. Were self represented litigants interviewed after they left contested or uncontested proceedings? What types of cases and hearings were involved? Were the proceedings before judges or before masters/commissioners? Hennepin County interviewed self represented litigants coming from landlord/tenant and small claims matters; all other courts limited their surveys to persons involved in family law matters. It is altogether likely that litigants will rate proceedings before masters/commissioners more highly than those before judges, because they are more likely to be uncontested. The Greacen Associates study in Maricopa County found that ratings following commissioner proceedings were, on average, .2 higher than ratings following judge proceedings, using the TCRIC five point rating scale.

⁹ Greacen Associates concluded that the TCRIC question, which was intended to measure perceptions of bias in the courtroom, was not artfully drafted.

¹⁰ The correlation is negative because the scores in the two data sets are inverted, with one having the highest score as one and the other having the highest score as five.

The proposed revised court exit survey contains questions and instructions address this problem, calling on court staff to record whether proceedings were before judges or non-judicial officers and to record whether the proceedings were contested or uncontested. The instructions call for each court to collect roughly half of its surveys from contested and uncontested proceedings.

Generally Applicable Recommendations from the Nine Assessments

The following are a generalized summary of the recommendations that are included in the nine assessment reports. The reader should recognize that no particular recommendation may apply to every jurisdiction assessed. However, the recommendations in general provide a good assessment of the strengths and weaknesses of court approaches to meeting the needs of self represented litigants throughout the United States today.

Expand the scope of the court's efforts from a single program to the entire court

The assessment process has disclosed a major flaw in most programs – that the court as a whole is not sufficiently involved in moving the cases of self represented litigants to a conclusion. The Harford County Pro Bono Committee published a report in 2004 on public assistance to the poor in Harford County entitled . . . *and Justice for All: Opening the Courthouse Door*. The title of this excellent report discloses the irony presented by most programs – the court uses its program to “open the courthouse door” but devotes little effort thereafter to ensuring that self represented litigants are able to navigate the corridors and courtrooms of the courthouse and exit with the relief to which they are entitled.

This broader focus needs to include:

- the provision of assistance not only in forms preparation, but also in preparation for hearings and trials and in obtaining satisfaction of court judgments
- the court's focus on contested as well as uncontested matters
- the treatment of self represented litigants in the clerk's office
- the treatment of self represented litigants in the courtroom, including judicial perception of the limitations on their role in eliciting information from self represented litigants

- effective case management of self represented litigant cases, including
 - proactive management of self represented litigant cases by court staff to identify cases that are not proceeding satisfactorily and to proactively schedule hearings for the purpose of moving them along
 - screening of self represented litigant case files by court staff prior to court hearings to identify flaws in filings prior to court hearings
 - court preparation of judgments and orders; it is unreasonable to expect unrepresented persons to be able to prepare acceptable documents for the court, and
 - provision of assistance to unrepresented litigants during post decree processes, such as collecting a judgment awarded.

One interesting implication of this approach is how the court thinks about its staffing decisions. If providing more services to self represented litigants saves time and effort for judges and other court staff, the court is justified in transferring staff from traditional clerk functions to the self represented litigant program. Rather than consider the litigant support program as a separate entity, the court should consider it as an integral part of the court operation.

Another recommendation to integrate the program more fully within the rest of the court's operations is to use written referrals from a judge or court clerk to the program, with the opportunity for the program to send back a response. The referral from the judge would be very short, like a doctor's prescription (but more legible) indicating to the program staff what the litigant needs and when. The referral from a court clerk would be the same. The response would allow the program to provide feedback to the judge or clerk about the referral; in the case of the clerk, to provide feedback to inform his or her future referral decisions; in the case of the judge, to explain why the program staff chose to respond differently than the judge suggested.

Many of these topics are treated separately in more detail below.

Expand the scope of the court's efforts to include assistance with contested matters and with trial preparation

A significant number of judges and lawyers with whom we spoke during the assessments take the view that self represented litigants are only capable of

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handling their own cases if the cases are simple and uncontested. They therefore believe that court programs should be limited to assisting persons in those circumstances; when a litigant shows that his or her case is not simple and uncontested, court assistance should be limited to direction to obtain legal counsel. Many court programs focus exclusively on the provision of forms and information for simple and uncontested matters – either because that is the area of largest need and therefore the first area addressed, or because of a philosophical position that this represents the appropriate boundary for court assistance.

Court programs must provide assistance for self represented litigants in more complex, contested cases. The rationale was well stated in the Maricopa County assessment report:

However appropriate that perspective [that persons with complex and contested cases should get a lawyer], it is clear that thousands upon thousands of citizens who proceed on their own do not respond by obtaining an attorney's services. If one cannot afford an attorney and does not qualify for Community Legal Services—which was true of 57% of respondents to the SSC exit survey—recognizing the value of legal assistance does not suddenly put money in one's pocket. Understanding the need or value is not sufficient to cause citizens not to self-represent.

The programs in Alaska and Hennepin County, Minnesota also demonstrate that courts can provide effective assistance in more complex matters, and that they can materially assist self represented litigants to present their cases effectively in court in contested matters. In Alaska, the assistance is provided in the form of legal information; in Minnesota it is often provided in the form of legal advice provided by attorneys not on the staff of the court.

Expand the scope of the court's efforts to provide assistance to self represented litigants in post judgment matters

The processes for collecting or enforcing a judgment are difficult for most lawyers. They are arcane and impossible for most self represented litigants. Few courts today focus on the enforcement phase of court cases. The Minneapolis court is the exception and can serve as an example for other courts.

It has been suggested that if courts would refer self represented litigants back to program staff at the conclusion of a hearing to go over the terms of the judge's order there would be many fewer court filings for orders to show cause for noncompliance with a previous court order or for modifications of such orders. No court, to our knowledge, has conscientiously attempted this approach and monitored the results in terms of reduction in the frequency of post judgment petitions.

Triage cases and ensure the availability of appropriate levels of services for all litigants

All self represented litigants are not the same and do not have the same needs. Sophisticated litigants and litigants with simple, uncontested cases can generally function effectively if they are given forms and information. Litigants with complex and contested matters need more information and assistance. Litigants who do not know what they want from the court need legal advice. Mentally ill, retarded, illiterate, non-English speaking persons (especially those from a different culture) and other handicapped persons need additional assistance, in the form of someone (not necessarily a lawyer) to help them through the court process. Community and religious organizations can usually be found in any jurisdiction to provide this additional level of help.

The court should ensure that all levels of service are available as needed to assist self represented litigants. The following graphic depicts a comprehensive model for the provision of services to self represented litigants within a state.

Statewide Services

State Judiciary full service website (providing statutes, court rules, descriptions of legal processes, forms, instructions, fillable and interactive forms, and trial preparation guidance)

Statewide telephonic self represented litigant assistance service (800 number that provides legal information and forms completion assistance for all courts, with ability to transfer calls to statewide unbundled legal advice network or to local court assistance programs)

Statewide unbundled legal advice network (800 number with credit card billing that connects a caller to a lawyer willing to provide advice and brief services over the phone for a fixed fee)

Local Court Services

Court staffed assistance program (providing telephone and limited in person legal information and forms)

Mandatory workshops

Legal advice program (provided by a combination of legal services, contract lawyers employed by the court, and private practitioners offering unbundled services)

Supportive services for domestic violence victims and for other persons incapable of handling their own cases

Train judges how to deal effectively with self represented litigants in the courtroom

State court judicial training programs should develop program segments on dealing with self represented litigants. They should become a standard part of the orientation for new judges and should be provided to all judges embarking on an assignment to the family division. The training needs to address the ethical issues that trouble judges in adopting the more engaged judicial role required to deal effectively with these cases. It should equip judges with specific techniques they can use in cases involving two unrepresented parties and in the more difficult situation in which one party is represented and the other is not.¹¹

It would be helpful if the court of last resort or judicial council in each state would develop a policy statement or supplementary ethical statement covering these issues that judges would be able to rely upon as authoritative. It would also be helpful for judges to understand that most lawyers, particularly those who practice regularly in the family law area, do not object to the judge's proactive steps to obtain from self represented litigants the evidence the judge needs to render a just decision in the case. And they need to know the real problems lawyers perceive with unequal application of discovery rules to represented and unrepresented litigants. Lawyers in several different jurisdictions noted that their clients may be disadvantaged by legal representation if courts allow unrepresented parties to testify to facts (such as income and expenditures for child support calculations) without presenting written documentation when represented parties have produced, and are constrained in their testimony by, such documentation.

Pay more attention to active management of cases involving self represented litigants

Modern case management theory calls for the court to actively manage all cases – never leaving the pace with which the case will proceed in the hands of the parties. Unfortunately, many courts assessed do not apply that principle to cases involving self represented litigants. If the petitioner does not effect service,

¹¹ For examples of such techniques, see Albrecht, Greacen, Hough and Zorza, *Judicial Techniques for Cases Involving Self Represented Litigants*, The Judges' Journal Winter 2003 Volume 42 Number 1, at 16 (American Bar Association). See also Richard Zorza, *The Disconnect Between the Requirements of Judicial Neutrality and Those of the Appearance of Neutrality when Parties Appear Pro Se: Causes, Solutions, Recommendations, and Implications*, 17 Georgetown Journal of Legal Ethics 423 (2004).

file for default, or move to set a case for hearing or trial, the court – after some period of time – will notice the case for dismissal for failure to prosecute. This process creates enormous distress for the litigants, who expected and were waiting for the court to take whatever steps were necessary. It also prolongs the case for the court.

Several courts assessed have active case management processes in place to screen all case files in these cases well prior to a court hearing to determine whether all papers are in order, providing an opportunity to contact the appropriate party to remedy any defect prior to the hearing. Montgomery County, Maryland's program is particularly effective, although it is conducted by court administrative staff unrelated to the Pro Se Program. In Miami, Minneapolis, and Prince Georges County, Maryland, case management functions reside with the same staff that assist the self represented litigants.

Other case management steps that courts need to implement are to proactively follow up with the petitioner if service is not completed within a set period, and to do the same after service if no response has been filed to assist with the preparation of a motion for default and the submission of a default judgment or decree.

Create statewide definitions of legal information and legal advice, provide training in the application of those definitions, and have supervisors monitor staff performance and correct staff as needed to fully implement those definitions in practice.

At least a dozen states have drafted and adopted definitions for judges, staff and the public, setting forth in understandable English the activities in which staff may engage and those that they are prohibited from performing. Attached as an appendix to this report is a short manual prepared for court staff by the California Judicial Council entitled "May I Help You?" Such guidance is essential to cause court staff to depart from deeply imbedded cultures that the provision of any information about how the court operates is the provision of "legal advice."

Three of the states in which assessments were performed already have such guidelines, in the form of court rules or court-approved training curricula. However, assessors in most courts found that court staff continue to refuse to answer questions and to provide information on the grounds that they "cannot give legal advice." Changing a deeply rooted culture requires continuing and concerted effort from court managers. Training is needed, but is not sufficient. Court supervisors need to pay close attention to the performance of court staff as they interact with court users to insist that they apply the appropriate standard. Court must also ensure that staff have the knowledge needed to answer litigant questions correctly.

Adopt a more sophisticated forms process

Every program assessed provides forms and instructions. Many of them have been developed, appropriately, at the state level; there is no justification for every court's devoting the energy needed to create good forms. Most judiciary web pages contain a set of forms for family law cases and instructions for using them. However, those forms in almost every case need to be revised to become truly user friendly. The following areas need attention:

Use of document assembly software

A number of courts provide "fillable" PDF forms; this means that a user can access the form on the Internet, complete it on line, and print out the completed form for filing at the courthouse. However, the current state of the art is the creation of documents based on a "dialog" with the creator. The litigant answers a set of questions and the software enters the information in the appropriate place in the appropriate form, presenting the user with a completed form for review, approval, printing and filing (or filing electronically without the step of printing). This approach is used in the Maricopa County "E-Court" application.

Review and revise state forms to include specific warnings about loss of specific important legal rights, e.g., alimony, pensions, monetary awards, and the division of marital property

Judges and lawyers are concerned that significant numbers of self-represented litigants are forfeiting important legal rights. We recommend changes to state forms and instructions to highlight the following areas:

- Forfeiture of rights to share spousal pensions, to obtain alimony, or to obtain a monetary award if not asserted in the complaint or answer
- Notice of tax consequences of the allocation of marital property
- The consequences of divorce proceedings for alimony and home ownership

These warnings should be included in the divorce forms, the instructions accompanying the forms, the summons, and the notice of default, stated in

understandable English, notifying both plaintiffs and defendants of the potential legal consequences of divorce proceedings.

Review forms, instructions and checklists for readability and effectiveness

Even though judges and court staff have gone to great lengths to write their forms in plain and simple English, they have usually failed. The Maricopa assessment summarized the issue as follows:

Among these [self represented litigants], almost none has legal training or exposure. They do not see the world as lawyers see it and do not understand terms or phrases that lawyers come to believe are commonplace and simple. It therefore is essential if a court wishes to proceed appropriately through the system, that those working on enhancing a court's interactions with the [self represented litigants] think like [self represented litigants] and not like lawyers. The evaluators' experience with e-Court and intelligent, schooled people's reactions to the instructions suggest that the Court's authors are thinking too much like attorneys and not enough like lay people. Either the authors have to make a conscious effort to think like the proverbial "Martian" or they have to talk directly to users about what they understand and how to make it more understandable.¹² Some courts also use linguists to help them simplify wording while retaining meaning.

This review should reconsider how forms are aggregated into packets. Most court information packets cover an entire process. We encountered many complaints that litigants "don't read the information we give them." That suggests that the current packets are not optimally organized. Self represented litigants have short attention spans; they do not read or absorb more information than is needed to complete the next step of a process. Consequently, the state should create standard segmented instruction sheets that cover a single stage of the proceedings. Segmented sheets can be distributed to litigants needing information on that process stage (e.g., service of process; obtaining a default order; providing testimony for an uncontested divorce; providing testimony on a contested custody or visitation issue). The segmented sheets can be aggregated for litigants who want a comprehensive overview of the whole process.

Translate instructions into other languages

Information must be available in the languages in significant use in every state. The United States has experienced a great influx of immigrants from all parts of the world over the last ten years. Unlike earlier immigration waves which

¹² Another, although not sufficient, tool is the "readability" function in the "tools" area of Word.
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landed on the coasts and only gradually made their way inland, the new wave has migrated directly to cities and towns throughout the nation. Courts must ensure that these new residents and citizens have access to courts and to court information in the language in which they conduct their daily lives and perform their thinking. The responsibility for translating forms and materials should rest with the state, not with each court individually.

California has encountered a problem with forms translated into foreign languages. Some litigants are completing (often using the foreign language) and filing those foreign language forms. Other states may want to concentrate on translating instructions into commonly used foreign languages and on providing detailed instructions in those languages for completing the English forms, but not making the forms themselves available in any form other than English.

Use a forms advisory committee to identify the need for additional forms

Assessment teams in each jurisdiction were told of the need for additional forms dealing with additional types of cases. Courts have appropriately focused initially on family law forms. As resources are available they should expand the scope of forms and instructions to other subject matter areas, guided by a representative forms advisory committee.

Create an electronic forms environment

We encountered considerable confusion about forms – what forms exist, what version of a form is current, whether the courts must use the most current versions, etc. We also observed that almost without exception, litigants are generally given preprinted paper copies of forms for completion. It is clear that most courts are still operating in a paper forms environment.

The state judicial branch needs to create an electronic forms environment – in which the "official form" is whatever currently exists on the state web site. Each court should have public access computers from which litigants can access, complete and print their own forms on line. If persons insist on a paper copy of a form it can be printed by staff from the state web site. Inventories of preprinted forms can be drastically reduced.

There are a variety of reasons for the state court systems to invest the effort to move from their current paper environment to an electronic one:

- Judges, masters and court staff much prefer typed to handwritten court filings. This is one of the major objections judges have to the increased presence of self represented litigants in their courtrooms –

they have to struggle to read the pleadings. Having litigants complete forms electronically would produce typed documents.

- There will be no further confusion about what is the most current form.
- Staff will become familiar with the state court website and will be better able to advise litigants in its use – moving large numbers of inquirers from the courthouse to the Internet for information and forms.
- Sooner rather than later all courts will want to convert from paper to electronic court records. That begins with the filing of documents in electronic form. Having litigants and lawyers become familiar with the creation of forms electronically will position the courts for this future transition.

Reduce the reliance on “in person” services and increase the use of telephone, Internet and other delivery modes

One-on-one, in person services, provided in the courthouse, are the most time consuming for court staff and the least convenient for court users. The programs assessed included many examples of more effective and efficient service delivery mechanisms.

Websites

Many states and courts now have extensive, widely used websites. Alaska has demonstrated how to combine telephone and website use – having the staff person “walk” the litigant through the website to find what s/he is looking for. Alaska’s website has particularly creative and effective tools to guide litigants in thinking through their cases and preparing them for presentation in court. There are significant opportunities for courts to collaborate with the Legal Services Corporation funded access to justice website network, accessible through www.lawhelp.org, although not all websites are on that platform.

Telephonic services

Alaska and Harford and Prince Georges Counties in Maryland make extensive use of the telephone to answer litigant questions. Alaska found that telephonic service delivery is superior to in person service in these regards:

- many parties seem to prefer telephonic to in person interaction because of the increased privacy and interpersonal distance it provides;
- staff can more easily limit the length of an interaction on the phone than when the customer is physically present in the staff person's office;
- far fewer persons who are incapable of representing themselves (because of mental illness or mental incapacity) seek assistance by telephone than appear seeking one-on-one in person services in the courthouse.

Workshops

Alaska, Hennepin County, Minnesota, and Prince Georges County, Maryland all provide workshops as a way of presenting a lot of information to a large group of people simultaneously.

Workshops often include having litigants complete forms following instructions provided orally. This incorporates a form of personal assistance with a form of information delivery to a group. It is similar to the technique used in Harford County, Maryland of having self help staff serve multiple litigants simultaneously at the long public counter at the civil division of the clerk's office.¹³

Other innovative approaches

There will undoubtedly be additional innovative ways developed for presenting needed information. Alaska is recording audio instructions that can be played in conjunction with the use of a form on the website. Hennepin County uses videotapes to explain forms and court procedures. Internet delivered "remote learning" programs may include techniques that can be adapted for these programs.

Mandate attendance at workshops and use of programs to assist self represented litigants; develop videotape and on-line workshops that satisfy the workshop attendance requirement

The Eleventh Judicial District in Miami/Dade County is the only court assessed that requires self represented litigants to use the services of the court's program. The court requires a program stamp on a self represented litigant's document before it will accept the document for filing.

¹³ The Butte County Superior Court in California (not a court included within our assessments) provides workshops in multiple court facilities simultaneously through the court's video conferencing equipment.

The Anchorage court in Alaska mandates attendance at educational workshops by all self represented litigants with cases involving contested divorce and child custody issues.

Each court should consider making attendance at an orientation a requirement for self representation in some types of family law matters, just as the courts are mandating attendance at approved parenting classes. While attendance might be waived for parties with uncontested cases, and certainly could not be required of defendants not choosing to file an answer, all parties could benefit from a basic understanding of the legal rights resolved during divorce proceedings and the basic court procedures involved.

The judicial branch should develop a statewide orientation videotape and online presentation prior to the effective date of such a requirement. These orientations should be available at the courthouse at no cost to the litigants.

While imposition of such a requirement would serve as a barrier to access to divorce, it can be argued that the litigant's right of access to the courts should be balanced with his or her interest in not inadvertently forfeiting important legal rights associated not only with property interests but also with interests in a parent's future relationship with his or her children.

Enact ABA Model Rule 1.2 to allow limited scope representation to encourage attorneys to provide limited legal services to litigants

The Supreme Courts in most of the jurisdictions assessed have not yet adopted ABA Model Rule 1.2. The rule explicitly authorizes limited scope representation, which should expand the availability of legal services to persons now representing themselves. Litigants would be able to obtain some advice and drafting services from a lawyer without retaining her or him to handle the entire case.

The issue that appears to block approval is whether judges should be required to allow lawyers to withdraw from representation after they have entered a limited appearance in court, based upon an agreement between the litigant and the lawyer to limit the lawyer's representational obligation to a particular hearing or trial. The advantages to litigants from being able to obtain affordable limited legal representation outweigh the risks of abuse of such arrangements by unscrupulous lawyers in the future.

Enact ABA Model Rule 6.5 that allows pro bono attorneys working in courthouse programs to dispense with conflicts checks

ABA Model Rule 6.5 would authorize pro bono attorneys providing legal advice in courthouse programs to do so without checking for conflicts of interest with other personal or firm clients. The rule does not allow an attorney to provide legal services to a person if s/he actually knows of such a conflict, however. The rule also would not allow an ongoing legal advice program operating in a court to provide advice to both parties in the same case. Courts need to give careful thought to the structuring of legal advice programs that they establish to ensure that they do not limit their services only to the party who first approaches them. In Worcester County, Maryland, the problem is solved by contracting with two attorneys who provide services on alternate Mondays; when one advises the plaintiff in a case, the other can advise the defendant the following week. In Prince Georges County, Maryland, the county Law Foundation provides legal advice through a contract with the court. It conducts a conflict check for all persons seeking assistance. When a conflict is found, the case is referred to a pro bono attorney who comes to the court for this purpose.

Increase program outreach

Most programs need to communicate better with the judges, masters or commissioners, court staff, and the local organized bar to convey clearly the program's goals, procedures, and materials, to receive feedback from these key stakeholders, and to increase the program's integration into the day to day workings of the court. Programs also need to provide information about their services to social service agencies, religious and community groups, and local libraries to help the programs reach citizens and residents needing their services.

Conclusions concerning the assessment process itself

The project has produced the following conclusions and recommendations respecting the assessment process, tool, and survey instruments.

Key components of the process

Based on the project's experience, we conclude that the following are required for a successful assessment:

A professional consultant

The failure of both of the "self assessment" sites, and the testimony of the other nine courts that they would not have gotten as much out of the assessment without the outside consultant's involvement, shows that the "self assessment" option appears unrealistic.

A knowledgeable self help program staff member from another court as part of the assessment team

Involving a knowledgeable person from another court's program proved valuable both to the assessment process and to the staff member and participating court who volunteered the staff member.

Data analysis support

The Fourth Judicial District Court in Minneapolis played a crucial role in the process. Future use of the assessment process will have to include the survey printing and data recording and analysis processes conducted by the Hennepin County court. Courts cannot be expected to perform data analysis on their own. While the Hennepin County court performed exceptionally well, the future success of the assessment program does not hinge on that court's willingness to continue to provide such support. Other consulting organizations have the capability to create and automatically score survey instruments.

Willing and cooperative assessment sites

The pilot courts themselves contributed significant resources to the assessment process. Without their cooperation, the process would not have been successful. It should be noted that the assessment process is therefore suited only for voluntary assessment efforts and cannot be imposed upon an unwilling or disinterested court.

The assessment tool

The tool's intended focus on court programs to assist self represented litigants is too narrow; it has been redrafted to focus on the effectiveness of the court as a whole in dealing with self represented litigants. One of the major conclusions of this project is that existing court programs focus on giving self represented litigants access to the courthouse but do not help them sufficiently to

get their case through the court process to a final judgment or decree, or to ultimate enforcement of a judgment or decree awarded.

This focus will require addition of the following topics to the tool:

- the provision of assistance not only in forms preparation, but also in preparation for hearings and trials and in obtaining satisfaction of court judgments
- the court's focus on contested as well as uncontested matters
- the treatment of self represented litigants in the clerk's office
- the treatment of self represented litigants in the courtroom, including judicial perception of the limitations on their role in eliciting information from self represented litigants
- case management of self represented litigant cases, including
 - proactive management of self represented litigant case files by court staff to identify cases that are not proceeding satisfactorily and to proactively schedule hearings for the purpose of moving them along
 - screening of self represented litigant case files by court staff prior to court hearings to identify flaws in filings prior to court hearings
 - court preparation of judgments and orders; it is unreasonable to expect unrepresented persons to be able to prepare acceptable documents for the court
 - provision of assistance to unrepresented litigants during post decree processes, such as collecting a judgment awarded.

The assessments also demonstrated that the tool needs a greater focus on the roles of court staff and contractors – ensuring compliance with prevailing standards of the appropriate ethical limitations on the role of court staff in providing assistance to one side of a controversy.

The tool's treatment of court and program background information, program goals, client groups, and stakeholders are sound, with the exception that the goals discussion should include the court's goals for dealing with self represented litigants, not just the goals of the self represented litigant assistance program.

The emerging practices section is not necessarily a list of "best practices" but served as a helpful checklist of topics for the assessment team to consider. The list has been brought up to date in the revised version of the tool and relabeled "Alternative Program Approaches." It will be necessary to keep this aspect of the tool up to date. The tool asks users to provide input to John Greacen of Greacen Associates who has agreed to update the tool on behalf of TCRIC for the immediate future.

The management considerations contained in the assessment tool were invariably useful in commenting on the structure and coherence of the court's program.

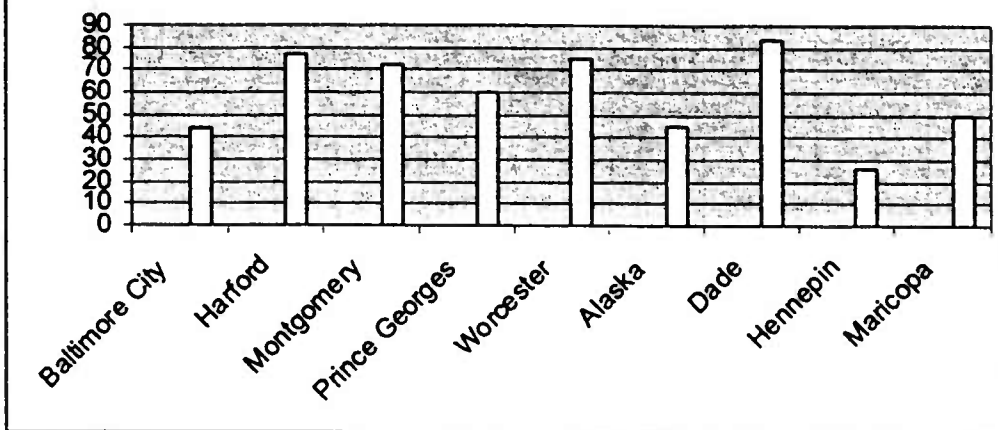
A proposed revised Executive Program Assessment Tool is attached to this report. It has not yet been reviewed by the full membership of TCRIC.

The survey instruments

The project has disclosed a number of problems with the survey instruments.

- All survey scales should be the same – preferably a five point scale with 5 being the best score. The TCRIC instruments were designed with the principal objective of matching the terminology and scales used by the research firm hired to conduct California's formal evaluation of its five pilot programs. However, it was clear from the confusion caused to users of the survey results that internal consistency of the TCRIC instruments is more important than external consistency of the TCRIC instruments with the survey tools used by the California researchers.
- The program exit survey should be maintained although a standard five point scale should be used for satisfaction ratings of various services provided.
- The in court observations should be eliminated. The value of the information collected does not appear to justify the cost of collecting it. The surveys did disclose three interesting phenomena, but these phenomena were consistent from court to court and need not be re-established for new courts being assessed through this process.
 - o There was a consistent contradiction between the judges' individual ratings of litigant performance in the courtroom through the judge's in court survey and their stereotypical assessment of litigant competence in their responses to the

Percentage of Self Represented Litigants Using the Services of Programs Provided by the Court



Litigant ratings of programs to assist them and of court processes

The assessments obtained four different types of litigant satisfaction data. The first was their satisfaction with the court's assistance program. This data was collected immediately following a visit to the court's program. All programs rated very well – with overall satisfaction ratings from 1.06 to 1.61 on a five point scale. Generally, a high overall satisfaction score is reflected in consistently high scores on all questions asked. However, there are differences among the program scores that differentiate among programs and among various aspects of particular programs. For example, the program in Montgomery County, Maryland ranks at the top on most of the questions. However, it ranks at the bottom on waiting time required before being served. Our observations validated that rating; the court provides services only on an in-person, one-on-one, first come first served basis and on most days has a large number of persons waiting to be served in the court lobby.

**Comparative Ratings of Programs by Self Represented Litigants
in Nine Jurisdictions
(5 point scale with 1 being highest)**

Question asked of litigants	Balti more City, MD	Harford County, MD	Mont-gomery County, MD	Prince George s County, MD	Worces ter County, MD	Alaska	Dade County, FLA	Henne pln County, MN	Mari copa County, AZ
Overall satisfaction with program	1.06	1.14	1.16	1.45	1.30	1.42	1.61	1.59	1.26
Information helped me understand my situation	1.30	1.21	1.2	1.52	1.52	1.42	1.72	1.64	1.40
I know what I need to do next	1.32	1.34	1.24	1.49	1.52	1.42	1.65	1.66	1.43
Staff knowledgeable	1.20	1.21	1.12	1.35	1.39	1.31	1.57	1.49	1.24
Staff listened	1.24	1.21	1.16	1.35	1.35	1.25	1.50	1.51	1.21
Staff explained things clearly	1.24	1.28	1.24	1.37	1.35	1.33	1.50	1.54	1.28
Staff treated me with respect	1.14	1.17	1.10	1.35	1.30	1.29	1.48	1.44	1.16
I did not have to wait a long time	1.18	1.59	1.84	1.35	1.52	1.48	1.74	1.77	1.21
I would recommend the program to a friend	1.20	1.31	1.16	1.37	1.17	1.31	1.39	1.48	1.22

The reader should use caution in using and drawing conclusions from the above table and the table that follows. The results may be affected by the following factors: that the data is drawn from small numbers of surveys (courts were asked to obtain completed surveys from 50 program users, but smaller courts were not able to do so); that some programs provide services only for family law matters and others (e.g., Hennepin County) provide services covering multiple case types; that courts used different data collection methods (who did the interviews, whether they were they identified as court staff members); and that the particular laws and rules of a state impact how complex or simple the forms are, and may therefore impact the customer satisfaction level with the forms and instructions. On the other hand, the litigant satisfaction ratings correlated very well with the observations of the consultants and volunteers.

judge's survey. Judges invariably rated litigant performance much higher through the one-by-one ratings of the in court observation survey than they did in their generalizations in the judge's survey.

- Judges and court staff generally reported quite disparate characterization of the outcomes of the same hearings in the judge and staff in court observation surveys. The types of differences relatively consistent from court to court, with judges and staff generally providing very different assessments of which party prevailed, how many cases were continued, and whether the judge entered an order – even though the observations occurred in the same cases. This is a curious result. Even if the observers were in some cases court interns rather than seasoned court staff, one would not expect that they would consistently mischaracterize such basic information. This phenomenon may warrant further research. If courtroom observers consistently mischaracterize the outcomes of court cases, that may suggest an important area of inquiry for attempts to improve public understanding of the workings of courts.
- The Hennepin County staff were able to link the results of the two in court observation surveys with the results of the court exit surveys to relate litigant performance with use or non use of the court's programs to assist self represented litigants. However, there was no evidence that self represented litigants who used court programs were better prepared or performed better in the courtroom than those who did not use them. This is a disappointing finding. However, the explanation lies in the fact that few court programs provide significant trial preparation information or assistance for litigants.
- The stakeholder surveys should be retained, although the information obtained should be converted to a more easily interpreted five point scale. All of the consultants and volunteers found the responses to the open ended questions on these surveys to be quite helpful.
- The court exit surveys should be retained, but the way in which they are administered should be more tightly prescribed, as discussed above.

Data that most courts found most surprising was the large percentage of unrepresented litigants who did not avail themselves of the court's self represented litigant program services. Even in Miami where use of the program

is mandated by the court, only 83% of self represented litigants leaving the courtroom reported using the program. Courts were also surprised at the preponderance of plaintiffs/petitioners over defendants/respondents who use those services. While some such differential is inevitable in case types in which there are large numbers of defaults, courts can take steps to ensure that their services are more fairly available to parties on both sides of cases in which both parties are unrepresented.

Proposed revised survey forms for the five remaining questionnaires – the program and court exit surveys and the judge, staff and lawyer surveys – are attached, together with a revised set of instructions for administering them.

Recommendations for the future of the assessment process

This project has validated the general "quick and clean" assessment approach, as well as the importance, value, and impact of self represented litigant assistance programs. At the same time it has given us better information than ever before about some areas in which additional work must be done before the full benefits of the approach can be realized. This section offers some options for how to take advantage of the ground that has been gained, while also addressing the newly highlighted areas of unmet need.

Continuing and enhancing the assessment process

The general validation of the assessment methodology and positive response of the courts assessed to the reports and their recommendations suggest the value of an attempt to enlist other courts in the process. While this assessment of the process has concluded that self-assessment is not realistic, the relatively low cost of the consultant-staffed methodology should make it highly appealing to programs and states.

Confirmation of the changes to the tool and survey instruments by the Trial Court Research and Information Consortium TCRIC needs to meet or use email to discuss and confirm the proposed changes to its Executive Program Assessment. The three sponsoring organizations – Greacen Associates, Justice Management Institute, and the National Center for State Courts – should take responsibility for that process.

Outreach and promotion Following TCRIC approval of the revised instruments, the sponsoring organizations might undertake a systematic outreach campaign to encourage use of the assessment process and tools. Components of such a campaign might include:

- Articles in judicial administration and court management journals

- Presentations at NACM annual and midyear meetings and inclusion in COSCA and CCJ programs
- Discussion at the March 2005 Self Represented Litigants Summit
- Use of www.selfhelpsupport.org, its mailing list, and the American Judicature Society pro se-admin list serve.

An assessment resources register Potential additional users of the assessment process would be helped by a list of consultants with experience in using the tools and engaging the process, together with a list of courts in which they have already worked as references. The process also requires technical support for producing scannable survey forms, automated scanning of the completed survey instruments, and production of data reports. Hennepin County (if it is willing to continue to provide its services in this fashion) and any other courts or organizations with this capability should be included in the same resources list. The resources list could be appended to the benchmarking data on the National Center for State Courts website.

Future follow up on the impact of the assessments It might be worthwhile for the State Justice Institute to sponsor or undertake a survey of the nine jurisdictions assessed to determine the long term impact of the assessments on those courts and their programs. The survey could be conducted by phone of the presiding judges, court administrators, and program directors. The survey should not be conducted by anyone involved in conducting the assessments. Likely areas of impact include expansions of program scope, changes in outreach, modification of materials and protocols, improvements in active case management of cases involving self represented litigants, and use of the assessment results to maintain or increase program resources.

Following up on new questions raised by the assessment results

Issues raised by the courtroom observations The courtroom observations produced two anomalies – 1) the inconsistency between judge perceptions of the performance of individual self represented litigants and their stereotypical description of self represented litigants as a group, and 2) the inconsistency between the judges' reporting of the outcomes of the hearings and the court staff observer's reporting of the outcomes of the same events. The latter raises the more interesting and intriguing questions. If knowledgeable court staff do not correctly perceive who prevailed and whether an order was entered, how is it possible to expect self represented litigants to do so. It is troubling that there should be a wide gap between the judge's actions and court staff's perception of the meaning of them.

This in turn suggests further studies of judge-litigant interactions in the courtroom, ascertaining what judges are intending by their behaviors and how

litigants are interpreting those behaviors. For instance, what is the judge's purpose in asking a particular question? What do litigants perceive the purpose behind the question to be? What techniques are effective in communicating with litigants and which are not? For instance, is it effective for a judge to ask whether a litigant understands what s/he has just said? Or is it necessary for the judge to further test the litigant's actual understanding of the content and meaning of what has been said?

This might include approaches such as the following:

- Video recording of judges and parties during court proceedings, with intensive follow up interviews with the participants to analyze intent, behavior and perceptions
- Development of judicial training materials based on the generalizations and examples from such a research process

Better integration of self represented litigant issues into standard case management training There should be systematic follow up to this project's insights into the need to integrate the needs and realities of self represented litigants into court case management processes. This might include inclusion of additional components in the Institute for Court Management and National Judicial College case management offerings. One of the assessment consultants is the regular presenter of the ICM case management course; he should have no difficulty integrating the project's learnings into that curriculum. Other project participants could convey the same message to the National Judicial College and to the National Association of State Judicial Educators for inclusion in state judicial and administrative training materials.

An article in the NACM *Court Manager* on this topic could also have considerable impact.

Understanding how to improve self represented litigant performance in the courtroom The assessment process has identified the significance for many judges of their problems in obtaining relevant and probative testimony and evidence from litigants in contested matters. While there is no logical connection between the two, this frustration leads them to oppose programs to assist self represented litigants in their courts. On the other hand, it is clear that most programs do not devote significant resources to assisting litigants prepare for hearings and trials. The court observation data shows that persons who use court programs do not perform better in the courtroom than those who do not.

Yet the assessment process included two jurisdictions – Alaska and Hennepin County – that have invested significant resources in preparing litigants for trials and hearings. Further studies might focus on:

- Intensive study of the effectiveness of those two programs in preparing self represented litigants for court appearances. What are their techniques? Are they effective? What could other courts learn from their experience?
- The development of a court laboratory, linked to a self help center, in which different preparation assistance techniques and different changes in court procedure and process could be tested and evaluated

Lack of use of court programs to assist self represented litigants As noted previously, most courts were surprised to learn that many self represented litigants made no use of the program services provided for them. The reason or reasons for this relative lack of use of programs is not yet known. Possible theories include staff overload and consequent lack of access to the program, lack of outreach to inform litigants of the availability of the program, and lack of user interest in the program for the same reason that they do not retain lawyers – they do not perceive their case to be difficult enough to require help. Studies of this phenomenon might include:

- Interview based research similar to the TCRIC courtroom exit surveys into reasons for non-use of programs, including knowledge of the existence of the program, reputation of the program's availability, perceived need for assistance, and open ended questions about what program services would have been helpful. These surveys can be conducted by courts today. .
- Promotion of mandatory program use requirements, accompanied by before and after courtroom exit surveys.
- Better physical location of programs to assist self represented litigants on the first floor of courthouses immediately adjacent to clerk filing counters. California is currently incorporating such design principles in a revised statewide facilities planning guide.

Use of the project data for benchmarking

As noted in the presentation of the data for the nine jurisdictions involved in this project, there are numerous caveats that should be presented when this comparative court data is presented.

Because of these caveats, the consultants and court volunteers involved in the project decided to present the benchmarking data without identifying particular courts. The results for the questions on the various surveys found most salient during the assessment process will be presented in two forms:

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- the average value for all surveys obtained for all nine jurisdictions, and
- the range of values (the highest and lowest scores) for the nine different jurisdictions.

The data for Hennepin County has been recomputed to include only the data for family law cases. As a result, the data presented in the benchmarking appendix differs somewhat from the data presented in the body of the report.

The benchmarking data will be presented for use in assessing the performance of courts and programs only in the area of family law matters.

The benchmarking data that will be provided to the National Center for State Courts for posting on its website is included in a separate appendix. This statement has not yet been approved by the full membership of TCRIC.

Appendices

Final Assessment Reports for Nine Jurisdictions

Revised Executive Program Assessment Tool

Revised Survey Instruments

Revised Guidelines for Data Gathering for TCRIC Executive Assessment Tool for Programs to Assist Self-Represented Litigants

Data for Benchmarking the Performance of Courts and Court Programs to Assist Self Represented Litigants In Family Law Matters

"May I Help You?" Legal Advice v. Legal Information: A Resource Guide for Court Clerks, Judicial Council of California (2003)

**Trial Court Research and Improvement Consortium
Executive Program Assessment Tool:
Programs to Assist Self-Represented Litigants
Revised December 2004**

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**Trial Court Research and Improvement Consortium
Executive Program Assessment Tool:
Programs to Assist Self-Represented Litigants**

I. Purpose of the Tool

This program assessment tool ("tool") is designed to produce a "snap-shot" assessment of a local program to assist self-represented litigants ("program"). It is intended to provide management with information on four different levels.

1. Where best to allocate scarce resources (Program Assessment).
2. Where to fill gaps between a program's mission and its actual process (Gap Analysis).
3. Where to develop the next stage of data analysis (Data Analysis)
4. Where to consider the next stage in program development (Emerging Practices).

II. Use of the Assessment Tool

The tool is designed to be used in an inexpensive and expeditious manner; experience has shown that it is more likely to produce helpful results if it is used by an outside consultant working with a volunteer from another court. This document assumes that an outside consultant will perform the assessment.

This tool is designed to be used as a part of a national effort to obtain consistent information about how courts deal with self represented litigants and how programs to assist self-represented litigants perform. It comes with standard data gathering instruments. If it is necessary to obtain different data for purposes of a local program's needs, please add questions to the instruments rather than changing the standard questions.

The Trial Court Research and Improvement Consortium provides this guide, and the accompanying instruments, with the expectation that all users of it will provide their results to the Consortium so that they can be integrated into the Consortium's compendium of available data for purposes of better understanding these programs, improving their performance on a national basis, and providing individual programs with useful benchmarks for assessing their performance relative to other such programs.

III. Assessment Ground Rules

Clarify the nature and use of the report with the individual who has actually asked for the assessment ("the requestor"). The requestor can conceivably be the program administrator, the court administrator, the presiding judge, the program champion, or the program funder. Issues to clarify with the requestor include: 1) the report format (e.g., formal or informal), 2) the ultimate audience, 3) report confidentiality, 4) the ultimate report deadline, and 5) the types of questions the requestor is trying to answer (e.g., whether to continue the program or simply to determine ways of improving its operation).

IV. Assessment Tool Work Product

After addressing all aspects contained in this tool, the reviewer will have assembled a significant quantity of information. As the tool is being used, the reviewer should focus on developing a report organized in the following manner:¹

- Program Strengths
- Areas Needing Improvement
- Assessment and Recommendations by Function
 - Goal Alignment Alternative Program Evaluation
 - Approaches
 - Client Groups Statistical and Data Analysis Strategic Planning
 - Stakeholders
- Overall Assessment
- Recommendations

V. Assessment Steps and Substance

A. Court Background Information

The reviewer should obtain background information from interviews as well as the court's website, the state court annual report, the trial court's annual report, the county's or city's annual report, the state's vital statistics, program brochures, and operational flowcharts. Background information includes the following basic information on the court overall:

- jurisdiction,
- number of bench officers
- caseload and filing history
- court organization and structure
- the court's strategic plan
- the state court's administration strategic plan

¹ Thanks to Marilyn K. James, Court Evaluation and Planning Officer for the San Diego Superior Court for supplying a copy of the Correctional Program Assessment Inventory, developed by Paul Gendreau and Don Andrews for ideas on this and other areas in this document.

- the court's budget history
- funding sources
- other courts within the jurisdiction
- size of the local bar
- the demographics of the County or District including, population history, age and gender, size and growth of minority populations, languages spoken, and income dispersion
- trends in the numbers and percentage of persons choosing to represent themselves in court and the types of cases in which they appear unrepresented

B. Program Background Information

The reviewer should also obtain similar information on the court's program(s) to assist self represented litigants.

- prospectus including goals, history, scope (case types), types of services offered, and types of clientele served
- organization (within the court or outside)
- type of staff involved (education, experience, training, length of service)
- policies and procedures (including ethical guidelines)
- governance structure
- budget and finance
- space, equipment, and facilities
- information processing systems
- collaborations with other agencies
- service portfolio such as easily understandable forms and instructions, extensive instructions via website, downloadable forms from the web site, access at local libraries, attorneys who provide advice to clients in the courthouse or in the courtroom, workshops, mobile services centers, unbundled legal services, multilingual forms and services, community outreach, training for other court staff
- statistical reports including a description of how the reports are compiled, those reports produced from computer databases, and the degree of integration with the court's overall computer database.
- a formal evaluation component

C. Court's Goals in Dealing with Self Represented Litigants

Review the status of the court's goals – overall for handling cases involving self represented litigants and specifically for the court's program(s) to assist self represented litigants -- in accordance with the following.

Issue	Assessment
Are the goals reduced to writing?	If not, recommend written goals that can be disseminated.
Do the goals include those normally occurring in such programs?	If not, review the general goals described and discussed below.
What is the degree of congruence between the program's goals and the court's goals?	If the program goals are not obviously in congruence with the court's goals, recommend review of program's goals and discussion with the court so that the two are in alignment. (note: the court's goals may be too narrow too)
What is the degree of congruence between the program's goals, the court's goals, and the strategic plan of the state judiciary ?	If the program goals are not obviously aligned with the state's strategic plan, recommend review of program's goals to make them more congruent with the state judiciary's strategic plan.
Does the program enjoy adequate stable funding?	If the funding is not adequate and stable, the program can fail in its goals regardless of how well designed and implemented.
To what degree do the program policies, procedures, and ethical guidelines appropriately reflect the program goals?	If written program policies, procedures, and ethical guidelines do not exist, or are not obviously aligned with the program's goals, recommend review of policies and procedures to properly align them.

The following are widely accepted goals of programs to assist self-represented litigants. During the initial interviews, ask 1) whether or not the program embraces each of these goals; 2) if not, has the program considered the goal and rejected it; and 3) if the goal was rejected, what was the rationale.

Widely Accepted Goals of Programs to Assist Self-Represented Litigants²

- Increase understanding of court orders
- Increase compliance with the terms of court orders
- Increase access to justice
- Increase the likelihood of "just" outcomes involving self-represented litigants
- Increase user satisfaction with the court process
- Increase the efficiency and effectiveness of the court system
- Increase education for court users
- Help users develop expectations that are reasonable in light of the law and the facts.

² Thanks to Richard Zorza, Esq., Evaluation of Access to Justice Innovation—Six Key Questions, and to

Court wide goals for dealing with self represented litigants are rarely articulated in writing. How those goals are understood can have great impact on self represented litigants and on the court's programs to assist them. The assessment team should ascertain whether the court has written goals and, if not, should suggest that the court articulate a broad, positively stated goal, such as:

The court desires that all matters involving self represented litigants be resolved promptly and effectively, on the basis of the law and the facts applicable to the case.

D. Client Groups

Review the court's goals and services with respect to its orientation to a variety of client groups. Client groups are the categories of individuals the program is intended to serve.

Issue	Assessment
Has the court statistically identified client groups beyond the generic "un-represented litigants wishing to use the services of the court"?	If the court has not conducted an analysis beyond the most basic, recommend such analysis by criteria including ethnicity, language, age, education, income, gender, physical disability, and issues faced. The court should also determine whether its services are being provided equally to plaintiffs/petitioners and to defendants/respondents.
<p>If the court has analyzed and identified client groups beyond the basic, has the program:</p> <ul style="list-style-type: none"> • Identified the size of each group relative to the size of the population that uses the program? • Analyzed service gaps that the program could fill? • Identified ways to serve each group? • Identified reasons why each client group chooses not to use the program? 	Recommend the court develop estimates of client group size, contact community leaders, and look at other programs service models in order to analyze and fill service gaps.

E. Stakeholders

It is important to review the relationship of a court's program(s) to assist self represented litigants to the court's stakeholders. Stakeholders are groups who may be either positively or negatively affected by the program or have an interest in the court's

effective operation, but are not necessarily a client group for the program. Interview at least one representative of each stakeholder group.

Stakeholders include:

- Judges
- Program staff
- Other court clerical staff
- Trial attorneys
- Organized bar
- Legal aid program
- County administration
- Staff of the state administrative office of the courts
- Any funding body that may have an influence upon the program, or may be a future funding resource
- Community and service organizations
- State legislators

Interviews should include 1) a review of the group's current relationship to the program; 2) the group's goals vis-a-vis the program, 3) the group's view of the program's success in meeting those goals; and 4) the group's view of the program's commitment to involving stakeholders in its processes.

F. Appropriate Staff and Contractor Roles

Assessment teams should ensure that court staff – whether or not they are attorneys – are not providing legal advice. Outside contractors, whether or not supported with court funding, may provide legal advice.

Assessment teams should also ensure that persons providing legal advice under court funding or as part of a collaboration with the court are complying with governing legal ethical principles including those concerning conflicts of interest and that the group of programs providing legal advice are structured as a whole so that advice can be provided both to plaintiffs and defendants and to both parties in a case.

G. Adequate Case Management for Cases Involving Self Represented Litigants

Many courts expect self represented litigants to become fully familiar with court procedures and rules and to take the initiative to move their cases to conclusion as an attorney would. For instance, if the defendant or respondent does not file an answer or response after being properly served, the plaintiff or petitioner is required to move for entry of default and submit a default judgment, consistent with the contents of the complaint or petition, for execution by the court. Courts often provide instructions to

inform self represented litigants of these sorts of obligations; the instructions often provide sample forms.

However, experience has shown that many self represented litigants are not capable of taking the required initiative. The result is that courts dismiss many of these cases for lack of prosecution, creating great frustration for the litigants who were waiting for the court to take the next step. To avoid these results, courts must modify case management procedures for cases involving self represented litigants. In particular, assessment teams should determine whether the court provides:

- proactive management of self represented litigant case files by court staff to identify cases that are not proceeding satisfactorily and to proactively schedule hearings of otherwise provide necessary information and assistance for the purpose of moving them along
- screening of self represented litigant case files by court staff sufficiently in advance of court hearings to identify flaws in filings in time for them to be corrected for the hearing
- court preparation of judgments and orders; it is unreasonable to expect unrepresented persons to be able to prepare acceptable documents for the court.

The assessment team should also ascertain the extent to which the court's case management staff and self represented litigant staff are combined or interact effectively. The team should also ascertain the extent to which the staff of the clerk's office and those persons staffing public counters are trained and integrated into the court's efforts to assist self represented litigants. Often clerk's office staff see the purpose of programs to assist self represented litigants as relieving them of all obligations to interact with them.

H. Assisting Self Represented Litigants with Hearings and Trials

Courts often limit their support to the provision of forms and information. Some self represented litigants also require detailed information to assist them in preparing for court hearings. They also need extensive information to assist in preparing for trial of contested matters. Finally, they need assistance from the judge in the courtroom, especially if the other side is represented.

Assessment teams should determine the strengths and weaknesses of court programs in these areas.

Approaches available to courts to address these needs include:

- brochures explaining courtroom procedures and etiquette
- modifying court forms to include the information needed by the judge to make a decision in the matter, not just enough to meet technical pleading requirements

- video tapes describing and explaining court hearings and trials
- suggestions that self represented litigants attend hearings and trials to become familiar with how they are conducted
- materials to assist litigants in preparing for contested trials. The materials on the Alaska Family Law Self Help Website are exemplary.
- training for judges to provide them with ethical guidance and practical tools for obtaining from self represented litigants the information they need for a fair resolution of the matter in the courtroom

I. Assisting Self Represented Litigants with Post Judgment Matters

Self represented litigants are particularly baffled by the legal processes needed to collect a judgment or enforce the terms of a decree. Child support enforcement and domestic violence prevention programs are examples of effective assistance to litigants in enforcing particular types of judgments. Effective assistance in other areas is generally lacking.

Assessment teams should determine the strengths and weaknesses of court programs in this area.

Effective approaches include:

- collection in the courtroom of information that will assist in enforcement
- providing opportunities for both parties to have input into the terms of the order to improve the chances for compliance
- explanation of the terms of judgments and decrees to unrepresented litigants (often to both sides simultaneously if both are unrepresented) upon the completion of a court hearing or trial
- instructions and forms for post judgment matters
- availability of one-on-one information concerning post judgment proceedings
- scheduling of post judgment status conferences when the judge can anticipate problems with compliance with a judgment or decree

J. Alternative Program Approaches

The process should include a review of the following list of program approaches used in other courts to determine whether they are germane to issues faced in the court being assessed.

Alternative Program Approach	Benefits/Drawbacks/Applicability
Diagnostic Instrument to Help Litigants Decide Whether They Can Represent Themselves Effectively	Benefits: Providing useful information to enable litigants to realize the factors that are

<p>Maryland's Peoples Law Library website has a diagnostic tool that alerts litigants to the objective factors about their case and the subjective factors about their own personality that bear on the decision to proceed without counsel in a family law matter.</p>	<p>relevant to the choice to self represent</p> <p>Challenge: Providing such information in an understandable form</p> <p>Applicability: Persons who can afford legal counsel; most self represented litigants lack the means to obtain representation.</p>
<p>Easily Understandable Forms and Instructions Forms and instructions written in plain English</p>	<p>Benefit: Improves assistance to litigants wishing to represent themselves.</p> <p>Challenge: The benefits must be explained to the local bar, which may feel threatened.</p> <p>Applicability: English speaking, literate clients</p>
<p>Inclusion of Warnings in Forms and Instructions Court instructions inform litigants representing themselves of rights that may be forfeited if not asserted in a timely manner, for example, the right to an equal share of a spouse's retirement benefits as part of a divorce decree.</p>	<p>Benefit: Warns litigants of legal pitfalls into which they might otherwise stumble unwittingly.</p> <p>Challenge: Identifying the most significant such pitfalls and not attempting to warn self represented litigants of all negative consequences of legal actions</p>
<p>Interactive Forms Forms completion processes that enable a user to complete them using a computer or webpage. The most sophisticated forms processes use a "dialog" approach in which the user answers questions and the forms software automatically chooses the appropriate form and completes it with the relevant information from the answers provided.</p>	<p>Benefits: Greater usability of court-provided forms and improved accuracy and completeness of documents filed with the court</p> <p>Challenge: High development costs</p> <p>Applicability: Usable by clients with a wide variety of literacy and legal capacity</p>
<p>Large Type Forms and instructions in larger type.</p>	<p>Benefit: Extends assistance to the senior client group.</p> <p>Challenge: Persons with vision impairments are only a part of the larger group of persons with disabilities in need of accommodation by the court.</p> <p>Applicability: Senior client group and others</p>

<p>Development of a Web Site for Self-Represented Litigants Applicable statutes and rules, extensive instructions written in plain English, downloadable forms, and interactive forms completion programs (where the program obtains the user's input in response to questions and populates the form appropriately based upon the answers).</p>	<p>Benefit: Extends assistance to client groups 24/7/365 Challenge: Applicable client group may be limited unless community organizations are recruited to provide access and training Applicability: Relatively technologically savvy client group and those with access to help from this group</p>
<p>Other Languages Easily understandable forms and instructions, translated into Spanish and other languages (including Braille) as designated by the county's demographics.</p>	<p>Benefit: Extends assistance Challenge: Non English speaking litigants may attempt to complete and file the non-English language forms in court; it may therefore be more beneficial to provide instructions in other languages but to maintain all forms in English only. Applicability: Minority client groups with English as a second language.</p>
<p>Access at Local Libraries and Community Access Sites Website available at public facilities such as public libraries, city halls, and municipal buildings together with assistance in accessing and using the website</p>	<p>Benefit: Extends assistance to client group without PC access Challenge: Maximizing applicable client group Applicability: Clients without personal PC and Internet access</p>
<p>Guidelines to Assist Staff in Understanding the Distinction Between Legal Information and Legal Advice Many states and courts now provide guidelines for staff and the public explaining what information court staff can and cannot provide.</p>	<p>Benefit: Increases the information and assistance available from court staff Challenge: Overcoming prevailing court culture concerning the meaning of the term "legal advice" and providing staff with the knowledge they need to provide accurate legal information</p>
<p>Provision of Information over the Telephone The Alaska program provides services exclusively by telephone and finds the</p>	<p>Benefits: Litigants appreciate greater privacy; interactions take half the time of in-person appointments; mentally deranged persons</p>

process less time consuming and equally appreciated by litigants	are less likely to seek help by telephone Challenges: Providing services by telephone involves challenges such as whether to use voice mail, whether to offer 800 services, and how to obtain program demographic statistics. Availability: Access to telephone services is universal
Attorneys to Provide Legal Advice at the Courthouse Attorneys employed by an outside agency, or working pro bono provide counsel to litigants to provide assistance (legal advice) that court staff may not provide	Benefit: Some self represented litigants are not able to proceed without legal advice Challenge: Attorneys may need to know Spanish and other languages. Issues of attorney-client relationship must be clear. Applicability: Most client groups
Assistance for Persons with Mental or Cultural Handicaps Some courts identify persons clearly incapable of self representation and refer them to community organizations who can assign volunteers (usually non attorneys) to assist them in pursuing a legal matter.	Benefits: Some self represented litigants lack the capability to handle their own legal affairs Challenges: Identifying community organizations able to provide volunteers to assist persons with mental or cultural disabilities
Workshops Workshops can be either run by video or live presenters.	Benefit: High degree of interaction with the client groups; ability to assist multiple clients simultaneously; effective communication of legal pitfalls Challenge: Relatively staff intensive and could be cost prohibitive; attorneys may need to know Spanish and other languages Applicability: Client group must be mobile and have time to devote to the workshops
Using Videoconferencing Capabilities to Conduct Workshops in Multiple Locations Simultaneously The family court facilitator in Butte County, California uses video conferencing to conduct workshops in three different court locations simultaneously.	Benefits: Delivery of personalized information without requiring extended litigant or staff travel Challenges: Initial costs of installing videoconferencing equipment.

<p>Mobile Services Centers Service centers contained in mobile RV units that can be driven to various parts of the jurisdiction</p>	<p>Benefit: High degree of interaction with the client groups Drawback: Staff intensive, costly to provide equipment, attorneys may need to know Spanish and other languages Applicability: Rural jurisdictions can find this approach workable, but should be aware of the initial equipment and operating costs</p>
<p>Telephone Attendant Decision-Tree Systems can provide legal information to self-represented clients over the telephone</p>	<p>Benefits: Can provide extensive legal-procedural information 24/7/365 to client groups who may not have PC access Challenge: Many find these systems hard to use. Access to forms is still an issue. Expensive to develop and maintain.</p>
<p>Training Other Court Staff Provides a customer service orientation to all public information components of the court.</p>	<p>Benefit: Carries the spirit of client service to all aspects of court operations. Requires full cooperation from court management.</p>
<p>Prehearing Screening Process A court staff member, staff attorney (sometimes called a family law facilitator) or a volunteer attorney (sometimes from legal services) reviews the papers prepared by the parties to determine their readiness for consideration by the judge. In some courts, judges meet with the parties in a prehearing conference to accomplish the same objective and to help with dispute resolution.</p>	<p>Benefit: Saves the judge and litigants the time and frustration of a failed hearing. Assists parties to identify flaws and gaps in case preparation or in voluntary agreements reached. Challenge: Clarifying the absence of an attorney-client relationship. Expensive to develop and maintain. An excellent opportunity for collaboration with legal services and state and local bar associations.</p>
<p>Unbundled Legal Services Providing access to specific legal services on a limited representation basis -- limited to a specific phase or issue in the case.</p>	<p>Benefit: Could increase legal representation for self represented litigants, improving the quality of filings and improving courtroom efficiency. Challenge: Obtaining explicit approval of limited representation from court of last resort through the adoption of amendments to</p>

	court rules and to the rules of professional conduct and acceptance by trial judges and attorneys.
Community Outreach Providing information about court services and obtaining input from community members about those services and their experiences with the courts.	Benefits: Increases community support for the court system. Could involve other community groups Challenge: Initially labor intensive particularly for the bench Applicability: Access mostly through community groups
Customer Friendly E-Filing Court-sponsored forms completion process is linked to electronic filing system so that self-represented litigant can file form as soon as it is completed.	Benefits: Improved access to court services; greater ease of use; improved likelihood of client follow through. Challenge: High development costs; requires integration with court systems Applicability: Usable by clients with a wide variety of literacy and legal capacities and in a wide variety of community environments
Mandating Participation in Court Programs to Assist Self Represented Litigants In Miami/Dade County, the court requires a stamp on all filings presented by self represented litigants evidencing that the document was reviewed by the court's assistance program. In Anchorage, Alaska, completion of a workshop is mandatory for all persons with contested divorce and custody matters.	Benefits: Ensuring widespread use of court programs Challenges: Having sufficient resources available to serve all self represented litigants; obtaining court support for a requirement that will serve as a hurdle for self represented litigants

K. Evaluation

The review should include an assessment of the program's regular evaluation component, using the following questions.

Issue	Assessment
<p>The program's formal evaluation component:</p> <ul style="list-style-type: none"> • When did the evaluation begin? • When is the evaluation expected to have a report for review? 	<p>If the program does not include a formal evaluation, recommend that such an evaluation be included.</p>
<ul style="list-style-type: none"> • What are the evaluation criteria? • Are the criteria congruent with the program goals? • Do they reach all of the "widely accepted" goals of programs to assist self-represented litigants set forth in Part C? 	<p>The program should be encouraged to expand its review and evaluation criteria in accordance with the above goals.</p>
<ul style="list-style-type: none"> • Does the program include a cycle of feedback, review, and continuous improvement? • Describe the last modification to the program based upon continuous improvement. • Does this cycle include stakeholders inside and beyond the courthouse? 	<p>If the program does not include a continuous improvement cycle, recommend that such a cycle be established and that it include appropriate stakeholders.</p>
<ul style="list-style-type: none"> • Does the court's regular evaluation process extend beyond its self represented litigant assistance effort to address all aspects of how the court handles these litigants? 	<p>If the evaluation program is not sufficiently broad, recommend an expansion of its scope to include the court's overall effectiveness in providing access to justice for the self represented.</p>

L. Statistics and Data Analysis

Generally, statistics and data collection should be aligned with the program goals.

Input Data	Assessment
Overall Program Workload <ul style="list-style-type: none"> • Number of clients who access the program • Number of cases affected by the program's services 	If the program does not collect this data, recommend that it begin to develop basic workload information.
Program Workload by Service <ul style="list-style-type: none"> • Number of clients who access each service provided by the program • Number of cases affected by each of the program's services 	If the program does not collect this data for each service, recommend that it begin to analyze the affect of each service.
Client Group Statistics <ul style="list-style-type: none"> • Estimated size of the client group • Other demographics • Number of clients from the group who choose not to access the program but continue un-represented • Number of clients from the group who choose to access counsel later • Number of clients who abandon their case after receiving services and their reasons for doing so 	Analyze which client groups the court is serving, which it is not reaching, and then determine through the jurisdiction demographics which group would be the next most logical to develop.
Output Data	Assessment
Court Workload <ul style="list-style-type: none"> • Average length of hearings compared to litigants who did not use program services • Average number of hearings per case to disposition compared to litigants who did not use program services 	If the program does not collect this data, recommend that it begin to analyze the cost/effectiveness of the program. Data for program users should be compared both to litigants who are represented by attorneys and those who represent themselves without benefit of the program
Outcome Data	Assessment
<ul style="list-style-type: none"> • The extent to which the program increases clients' knowledge of the law and court processes applicable to their case. • The extent to which program clients are able to obtain relief. • The extent to which program clients are able to present their cases fully. • The extent to which outcomes involving each client group are 	Obtain available bench marking data from the Trial Court Research and Improvement Consortium against which to assess the performance of the program being assessed.

<p>“just.”</p> <ul style="list-style-type: none"> • The extent to which each client group is satisfied with the program and each of its services • The extent to which each client group is satisfied with the court process • The extent to which the program has made the court system more efficient and effective • The extent to which each client groups’ expectations are more reasonable in light of the law and the facts 	
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M. Strategic Plan

The strategic plan is intended to ensure the long-term viability of the court’s programs to deal with self represented litigants.

Issue	Assessment
<p>The program’s strategic plan for the next three to five years including:</p> <ul style="list-style-type: none"> • Opportunities to expand the court’s service to additional client groups • Barriers and weaknesses that must be overcome in order to provide more effective service to the existing client groups or expand service to new client groups 	<p>If the court does not have a strategic plan for dealing with self represented litigants, recommend that it develop one. A court without such a plan is less likely to be able to adjust to changes in court leadership and resource availability.</p>
<p>Planned collaborations with additional partners</p>	<p>Suggest such partners</p>
<p>The degree of congruence between the court’s strategic plan for self represented litigants and the court’s overall strategic plan and the state judiciary’s strategic plans.</p>	<p>If the court’s plan is not obviously aligned with the court’s overall planning and the state judiciary’s strategic planning, recommend a review of program’s plan to re-craft it to be more congruent with the court’s core direction.</p>

VI. Assessment Sharing and Building Process

This process has great value for each court that participates. That value for each of the participants, and for the community of such programs as a whole, is greatly enhanced if the product of the assessment is shared as broadly as possible.

Assessors are particularly asked, therefore, to address the following general questions in a format that may appropriately be broadly shared:

- What are the lessons learned about effective program design, implementation, and enhancement?
- What are the keys to the most effective integration of court services throughout the courthouse as a whole?
- What are the keys to the most effective integration into the community?
- How should the alternative program approaches listed in this document be modified?
- What are the user needs that current program models are not meeting, and how might they be met?
- What additional services could the court provide that would best enable it to expand its value and effectiveness?

Please provide these findings, together with the assessment report and a summary report of all data gathered, to the Trial Court Research and Improvement Consortium, care of Greacen Associates, john@greacen.net.

VII. Conclusion

This tool is offered in the hope that it will service individual courts, their programs to assist self represented litigants, the clients of those programs, the national community of courts and court supporting organizations developing programs to assist self-represented litigants, and the cause of a legal system with true access to justice.

**Guidelines for Data Gathering for TCRIC Executive Assessment Tool for
Programs to Assist Self-Represented Litigants**

Revised December 2004

The court is expected to gather data using five data gathering instruments. These guidelines explain the processes to be followed for each instrument.

Self-Represented Litigant Program Exit Survey

The court need not gather the demographic data on this survey form if the court routinely gathers the same or similar information from all program users.

This form is administered to persons as they leave the court's program to assist self-represented litigants. It is administered in person by a court staff person who does not work in the program, who approaches a program user with a clipboard on which s/he has a survey form. The surveyor identifies him or herself as a court employee. After obtaining the user's consent to participate in the survey, the surveyor reads each question and records the program user's answers.

The objective is to obtain 50 completed survey forms from persons who use the program. If the court has multiple programs or multiple locations, modify the form to indicate the appropriate program or location. Attempt to obtain at least 50 completed surveys for each program. For a single program operating in multiple locations, obtain at least 50 completed surveys from all locations combined, with the numbers proportional to the use of the program in the different locations.

Choose the persons to be surveyed in this manner. Make sure that you choose a week or month that is not unusual in terms of the court's work schedule – it is not a four day week or a holiday period. Administer surveys in the morning and in the afternoon on each day of the week during the data gathering period. You should attempt to get 5 completed surveys during each of the collection periods. If you do not get 5 persons during each collection period, come back the next week at that time to complete the process.

If your program is open for only a limited period of time, adjust the process accordingly. If your program has so few users that obtaining 50 completed survey forms within a month's time will be difficult, obtain as many as possible.

You need not use any particular process for choosing the persons to survey. However, try to get a representative cross-section of the program's users in terms of age, sex, race, apparent education level, etc.

Self-Represented Litigant Court Exit Survey

This survey is intended for use as litigants leave the court room following a court hearing or trial. The objective is to obtain 25 surveys from persons following contested matters and 25 surveys from persons following uncontested matters. If the court is so small that it does not have this many proceedings involving self represented litigants in the course of a month, either extend the data collection over a longer period of time, or – if the number of proceedings is so small that they are unlikely to yield 20 completed surveys during the data gathering period – do not administer this survey form.

As litigants leave the court room, a court staff member or volunteer approaches him or her, explains the survey and asks if s/he will take no more than five minutes to give the court information that it will use to improve its procedures. The interviewer checks whether the proceeding was before a judge or commissioner/master (use that box for any quasi-judicial officer, such as a hearing officer). Ask the litigant whether the matter was contested or uncontested and check the appropriate box. Follow the instructions for completing the survey form.

The court may choose not to gather the demographic data. The data will not be sufficient to support analyses of litigant perceptions by socio-economic group. It will only be useful for determining the relative numbers of persons from different groups who 1) appear in court without a lawyer, and 2) who report that they have and have not used the court's program to assist self represented litigants.

Judge Program Feedback Form

Circulate the judge program feedback form to all judges who handle cases involving self-represented litigants in your court. Send it with a cover letter explaining the assessment program and setting a date for return of the survey form. Enclose an envelope in which to return the survey form. Ask the judges not to put their names on the surveys.

Because the survey is anonymous it will not be possible to follow up with judges to obtain their participation.

Staff Program Feedback Form

Circulate the staff program feedback forms to all staff who encounter self-represented litigants in your court. Include staff who handle the public counters and the judges' personal and courtroom staff. Send it with a cover letter explaining the assessment program and setting a date for return of the survey form. Enclose an envelope in which to return the survey form. Ask staff not to put their names on the surveys, but to note the position they occupy.

Because the survey is anonymous it will not be possible to follow up with judges to obtain their participation.

Lawyer Program Feedback Form

Identify a group of about 100 lawyers to whom to distribute this survey. The best way to administer it is at a monthly bar association luncheon or bench-bar meeting. Alternatively, you can choose a random sample of the lawyers from the local bar directory, or from the local domestic relations or family law bar section. If you mail the survey form to the lawyers, enclose a letter –preferably from the presiding judge -- explaining the assessment program and setting a date for return of the survey form. Enclose a self-addressed stamped envelope in which to return the survey form. Ask lawyers not to put their names on the surveys.

The objective is to obtain 50 survey responses. Because the survey is anonymous it will not be possible to follow up with lawyers to obtain their participation.

Customer Satisfaction Survey

Revised December 2004

Case number _____

Interviewer _____

The court is gathering information on this program. Your feedback about your experience today will help us to better understand our customers and improve our services to the public. I hope you will take a few minutes to answer some questions. The information you provide is confidential; it will be reported in summary form only and you will never be personally identified. Your participation is completely voluntary and you may refuse to answer any questions. Are you willing to participate?

What type of legal issue brought you to the self-help center today? *Check all that apply.*

- | | |
|--|---|
| <input type="checkbox"/> Divorce | <input type="checkbox"/> Landlord/tenant (eviction) |
| <input type="checkbox"/> Child custody | <input type="checkbox"/> Small claims |
| <input type="checkbox"/> Child support | <input type="checkbox"/> Traffic ticket |
| <input type="checkbox"/> Visitation | <input type="checkbox"/> Name change |
| <input type="checkbox"/> Paternity | <input type="checkbox"/> Guardianship/conservatorship |
| <input type="checkbox"/> Domestic violence/restraining order | <input type="checkbox"/> Criminal expungement |
| <input type="checkbox"/> Civil harassment/restraining order not related to domestic violence | |
| <input type="checkbox"/> Drivers license reinstatement | |
| <input type="checkbox"/> Other (please describe) _____ | |

Are you the ☐ initiator of (or are you considering initiating) a legal action, or ☐ has a case already been filed against you?

Overall, I am ☐ very satisfied, ☐ satisfied, ☐ unsatisfied, or ☐ very unsatisfied with the service I received today.

After each statement, please check the box that comes closest to how you feel about your visit to the self-help center today.

	Strongly Agree				Strongly Disagree
	5	4	3	2	1
The information I received today helped me to understand my situation better.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I know what I need to do next.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The staff seemed knowledgeable.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The staff listened to what I had to say.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The staff explained things to me clearly.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The staff treated me with respect.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I did not have to wait a long time to be served.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I would recommend the self-help center to a friend with a legal problem.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

In using the program today, I ☐ did, ☐ did not have a language problem.

For this legal matter, this is my ☐ first, ☐ second, or ☐ third or more visit to the program.

Please indicate how helpful you found the services. If you did not receive a service, check "Not Received."

Service	Not Received	Very Helpful	5	4	3	2	1
Staff help with forms	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Written instructions for filling out forms	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Staff to answer my questions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Interpretation or translation assistance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Workshop	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Help to prepare for a court hearing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Help following up with court orders	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Educational materials (pamphlets, books, videos)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Information on where to get more help	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Met with an attorney (not court staff)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Referred to an attorney outside the court for legal help	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Help using computer to obtain information or prepare documents	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Made an appointment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (please describe)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Why are you planning to represent yourself in this matter? Interviewer: Do not read the options. Let the person answer in his or her own words. Check the most appropriate response(s).

- ☐ My case is not complicated enough to need an attorney
- ☐ I cannot afford an attorney
- ☐ I don't want to spend the money for an attorney
- ☐ An attorney would slow down the case too much
- ☐ I don't trust attorneys
- ☐ Other _____

If this program were not here, where would you have gone for help? Interviewer: Do not read the options. Let the person answer in his or her own words. Check the most appropriate response(s).

- ☐ An attorney
- ☐ A friend
- ☐ Not sure/don't know
- ☐ Other _____

What other services would you have found helpful today?

Please share any other comments or suggestions about the services you received at the program today.

Please provide the following demographic information.

Sex <input type="checkbox"/> Male <input type="checkbox"/> Female	Date of birth ___ / ___ / ___ MM DD YYYY	Race. Check all that apply to you <input type="checkbox"/> White <input type="checkbox"/> Black/African American <input type="checkbox"/> American Indian or Alaska Native <input type="checkbox"/> Asian Indian <input type="checkbox"/> Chinese <input type="checkbox"/> Filipino <input type="checkbox"/> Japanese <input type="checkbox"/> Korean <input type="checkbox"/> Vietnamese <input type="checkbox"/> Native Hawaiaan <input type="checkbox"/> Guamanian or Chamorro <input type="checkbox"/> Samoan <input type="checkbox"/> Other Pacific Islands _____ <input type="checkbox"/> Other Asian _____ <input type="checkbox"/> Some other race	
Primary language other than English _____	Highest level of schooling completed <input type="checkbox"/> 4 th grade or less <input type="checkbox"/> 5 th to 8 th grade <input type="checkbox"/> 9 th to 11 th grade <input type="checkbox"/> High school graduate/GED <input type="checkbox"/> Some college <input type="checkbox"/> Associates degree <input type="checkbox"/> Bachelors degree <input type="checkbox"/> Graduate degree		
How many children under 19 live in your household? _____			
Total monthly household income (this includes all income sources) <u>before</u> taxes: <input type="checkbox"/> \$500 or less <input type="checkbox"/> \$501 to \$1,000 <input type="checkbox"/> \$1,001 to \$1,500 <input type="checkbox"/> \$1,501 to \$2,000 <input type="checkbox"/> \$2,001 to \$2,500 <input type="checkbox"/> \$2,501 to \$3,000 <input type="checkbox"/> \$3,001 to \$3,500 <input type="checkbox"/> \$3,501 to \$4,000 <input type="checkbox"/> \$4,001 to \$5,000 <input type="checkbox"/> \$5,001 to \$6,000 <input type="checkbox"/> \$6,001 to \$7,000 <input type="checkbox"/> \$7,001 to \$8,000 <input type="checkbox"/> above \$8,001	You heard about the program from (check all that apply) <input type="checkbox"/> attorney <input type="checkbox"/> bar association <input type="checkbox"/> clerk's office <input type="checkbox"/> community service agency <input type="checkbox"/> child support agency <input type="checkbox"/> friend or family <input type="checkbox"/> judge/commissioner <input type="checkbox"/> legal aid/legal services <input type="checkbox"/> newspaper/television/radio <input type="checkbox"/> pamphlets/written materials/posters other _____ _____	Are you Spanish/Hispanic/Latino? <input type="checkbox"/> No <input type="checkbox"/> Yes - Mexican, Mexican American, Chicano <input type="checkbox"/> Yes - Puerto Rican <input type="checkbox"/> Yes - Cuban <input type="checkbox"/> Yes - Other Spanish/Hispanic/Latino _____	

Self-Represented Litigant Court Exit Survey

Revised December 2004

Interviewer _____

Proceeding was before a ☐ judge ☐ commissioner/master Proceeding was ☐ contested ☐ uncontested

The court is gathering information on its programs. Your feedback about your experience in court today will help us to better understand our customers and improve our services to the public. I hope you will take a few minutes to answer some questions. The information you provide is confidential; it will be reported in summary form only and you will never be personally identified. Your participation is completely voluntary and you may refuse to answer any questions. Are you willing to participate?

1. Why did you represent yourself in court today? **Interviewer: Do not read off the options. Let the customer answer in his or her own words. Check the most appropriate response(s).**

- ☐ My case is not complicated enough to need a lawyer
- ☐ I cannot afford a lawyer
- ☐ I don't want to spend the money for a lawyer
- ☐ A lawyer would slow down the case too much
- ☐ I don't trust lawyers
- ☐ I don't know how to find or hire a lawyer
- ☐
- ☐ Other _____

2. Did you visit the court's [name of program to assist self-represented litigants] to get forms or assistance in connection with this case?

- ☐ Yes
- ☐ No (skip to 4)

3. Based on your experience in court today, how would you rate the assistance provided by the _____ program? ☐ very satisfied ☐ satisfied ☐ neutral ☐ unsatisfied ☐ very unsatisfied with the service you received?

4. Did you receive assistance from anyone else in preparing for this case?

- ☐ Yes
- ☐ No (skip to 5)

4b. From whom did you receive the assistance? **Interviewer: Do not read off the options. Let the customer answer in his or her own words. Check the most appropriate response(s).**

- ☐ Private lawyer
- ☐ Legal Aid
- ☐ Friend
- ☐ Relative
- ☐ Notary
- ☐ Paralegal
- ☐ Other _____

5. Were you surprised at the way the [judge][commissioner] conducted the hearing or did it go pretty much the way you expected?

☐ Surprised

☐ Pretty much the way I expected

Follow up question, for either response: Why? _____

6. I am going to read you a series of statements about your court experience. Please choose a number between 4 and 1, with 4 meaning "extremely" and 1 meaning "not at all" to describe your experience. You may also answer "Don't know."

	Extremely 5	4	3	2	Not at all 1	Don't know
Did you feel prepared for your hearing today?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Did the judge treat you with respect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Did the court clerk and other courtroom staff treat you with respect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Did the judge care about your case?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Did the judge treat everyone in court the same way?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Did you feel you were able to tell the judge everything you thought he/she should know in order to make a decision?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Did you do a good job representing yourself?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Did you understand the words used by the judge and other persons in the courtroom?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Can you explain what was the outcome of your hearing today?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Was the outcome of the case favorable to you?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Was the judge's ruling fair?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are you satisfied with what happened during your hearing today?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
After this proceeding, do you have more respect for the court system ?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

I am almost finished. The last few questions I will ask you are of a more personal nature, but they are very important to make sure we are serving everyone.

Sex <input type="checkbox"/> Male <input type="checkbox"/> Female	Date of birth ___ / ___ / ___ MM DD YYYY	Race. Check all that apply to you <input type="checkbox"/> White <input type="checkbox"/> Black/African American <input type="checkbox"/> American Indian or Alaska Native <input type="checkbox"/> Asian Indian <input type="checkbox"/> Chinese <input type="checkbox"/> Filipino <input type="checkbox"/> Japanese <input type="checkbox"/> Korean <input type="checkbox"/> Vietnamese <input type="checkbox"/> Native Hawaiaan <input type="checkbox"/> Guamanian or Chamorro <input type="checkbox"/> Samoan <input type="checkbox"/> Other Pacific Islands _____ <input type="checkbox"/> Other Asian _____ <input type="checkbox"/> Some other race
Primary language other than English _____	Highest level of schooling completed <input type="checkbox"/> 4 th grade or less <input type="checkbox"/> 5 th to 8 th grade <input type="checkbox"/> 9 th to 11 th grade <input type="checkbox"/> High school graduate/GED <input type="checkbox"/> Some college <input type="checkbox"/> Associates degree <input type="checkbox"/> Bachelors degree <input type="checkbox"/> Graduate degree	
How many children under 19 live in your household? _____		
Total monthly household income (this includes all income sources) <u>before</u> taxes: <input type="checkbox"/> \$500 or less <input type="checkbox"/> \$501 to \$1,000 <input type="checkbox"/> \$1,001 to \$1,500 <input type="checkbox"/> \$1,501 to \$2,000 <input type="checkbox"/> \$2,001 to \$2,500 <input type="checkbox"/> \$2,501 to \$3,000 <input type="checkbox"/> \$3,001 to \$3,500 <input type="checkbox"/> \$3,501 to \$4,000 <input type="checkbox"/> \$4,001 to \$5,000 <input type="checkbox"/> \$5,001 to \$6,000 <input type="checkbox"/> \$6,001 to \$7,000 <input type="checkbox"/> \$7,001 to \$8,000 <input type="checkbox"/> above \$8,001		Are you Spanish/Hispanic/Latino? <input type="checkbox"/> No <input type="checkbox"/> Yes - Mexican, Mexican American, Chicano <input type="checkbox"/> Yes - Puerto Rican <input type="checkbox"/> Yes - Cuban <input type="checkbox"/> Yes - Other Spanish/Hispanic/Latino _____

Self-Represented Litigants Program

Judiciary Survey

Revised December 2004

The court is collecting information on the impact of our program to assist self-represented litigants. We would very much appreciate knowing your answers to the following questions.

1. In your recent experience, how often do the self-represented litigants in your cases

	Always				Never
	5	4	3	2	1
Have documents prepared correctly					
Have needed evidence or witnesses					
Follow court procedural rules					
Participate effectively in the proceedings					
"Tell his or her story" effectively					
Have realistic expectations about the likely outcome					
Appear to understand the court's ruling(s)					
Need your assistance to complete the hearing					
Take more time than represented litigants					

2. Has the program noticeably improved the performance of self-represented litigants in any of the above areas?

	Yes	No	Don't know
Completeness and correctness of documents			
Availability of necessary evidence and witnesses			
Familiarity with court procedural rules			
Ability to participate effectively in the proceedings			
Ability to "tell his or her story"			
Realistic expectations about the likely outcome			
Apparent understanding of court's ruling(s)			
Need for court assistance to complete the hearing			
Taking more time than represented litigants			

- 3.. Has the program reduced the percentage of self-represented cases in which you have had to reschedule a hearing because of a self-represented party's lack of preparation?

- ☐ Yes
☐ No
☐ I don't have enough experience to know

4. How would you rate your overall satisfaction with the contributions of the program in terms of making your job as a judge easier? ☐ very satisfied ☐ satisfied ☐ neutral ☐ unsatisfied ☐ very unsatisfied

5. What are the three most pressing problems self-represented litigants still have in your court?

1. _____

2. _____

3. _____

Thank you for providing this information.

Please return this survey to:

By _____

Self-Represented Litigants Program

Lawyer Survey

Revised December 2004

The court is collecting information on the impact of the court's program to assist self-represented litigants. We would very much appreciate knowing your answers to the following questions.

1. In your recent experience, how often do the self-represented litigants in your cases

	Always				Never
	5	4	3	2	1
Have documents prepared correctly					
Have needed evidence or witnesses					
Follow court procedural rules					
Participate effectively in the proceedings					
"Tell his or her story" effectively					
Have realistic expectations about the likely outcome					
Appear to understand the court's ruling(s)					
Need the court's assistance to complete the hearing					
Take more time than represented litigants					

2. Has the program noticeably improved the performance of self-represented litigants in any of the above areas?

	Yes	No	Don't know
Completeness and correctness of documents			
Availability of necessary evidence and witnesses			
Familiarity with court procedural rules			
Ability to participate effectively in the proceedings			
Ability to "tell his or her story"			
Realistic expectations about the likely outcome			
Apparent understanding of court's ruling(s)			
Need for court assistance to complete the hearing			
Taking more time than represented litigants			

- 3.. Has the program reduced the percentage of self-represented cases in which the court has had to reschedule a hearing because of the self-represented party's lack of preparation?

- ☐ Yes
☐ No
☐ I don't have enough experience to know

4. How would you rate your overall satisfaction with the contributions of the program in terms of making your job as a lawyer in one of these cases easier? ☐ very satisfied ☐ satisfied ☐ neutral ☐ unsatisfied ☐ very unsatisfied

5. What are the three most pressing problems you continue to experience when you have to oppose a self-represented litigant?

1. _____

2. _____

3. _____

Thank you for providing this information.

Please return this survey to:

By _____

Self-Represented Litigants Program Staff Survey

Revised December 2004

The court is collecting information on the impact of the program to assist self-represented litigants. We would very much appreciate knowing your answers to the following questions.

1. In your recent experience, how often do the self-represented litigants with whom you come in contact

	Always				Never
	5	4	3	2	1
Have documents prepared correctly					
Have needed evidence or witnesses					
Follow court procedural rules					
Participate effectively in the proceedings					
"Tell his or her story" effectively					
Have realistic expectations about the likely outcome					
Appear to understand the court's ruling(s)					
Need your assistance to complete some matter					
Take more time than represented litigants					

2. Has the program noticeably improved the performance of self-represented litigants in any of the above areas?

	Yes	No	Don't know
Completeness and correctness of documents			
Availability of necessary evidence and witnesses			
Familiarity with court procedural rules			
Ability to participate effectively in the proceedings			
Ability to "tell his or her story"			
Realistic expectations about the likely outcome			
Apparent understanding of court's ruling(s)			
Need for court assistance			
Taking more time than represented litigants			

3. Has the program reduced the percentage of self-represented cases in which the court has had to reschedule a hearing because of the self-represented party's lack of preparation?

- ☐ Yes
☐ No
☐ I don't have enough experience to know

4. If you serve in the courtroom, do you believe that the time required to complete hearings involving self-represented litigants has ☐ gone up ☐ remained the same, or ☐ gone down ? ☐ don't know.

5. How would you rate your overall satisfaction with the contributions of the program in terms of making your job easier? ☐ very satisfied ☐ satisfied ☐ neutral ☐ unsatisfied ☐ very unsatisfied

5. What are the three most pressing problems you still have with self-represented litigants?

1. _____

2. _____

3. _____

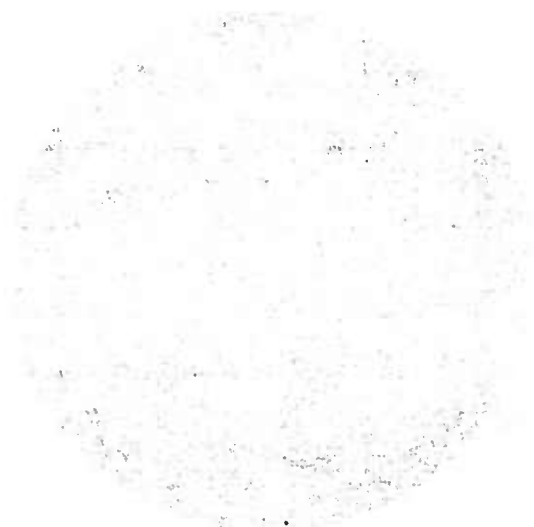
Thank you for providing this information.

Please return this survey to:

By _____

May I help you?

Legal Advice vs. Legal Information



Judicial Council of California
Administrative Office of the Courts
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RESOURCE GUIDE WORKING GROUP

Hon. Steven K. Austin

*Judge of the Superior Court of California,
County of Contra Costa
Working Group Chair
Access and Fairness Advisory Committee*

Hon. Eric C. Taylor

*Supervising Judge of the
Superior Court of California,
County of Los Angeles
Access and Fairness Advisory Committee*

Denise Gordon

*Chief Executive Officer
Superior Court of California,
County of Sonoma*

Bonnie Hough

*Supervising Attorney
Center for Families, Children & the Courts (CFCC)
Administrative Office of the Courts
Lead Staff, Task Force on Self-Represented Litigants*

Michael Roosevelt

*Education Specialist
Education Division/Center for Judicial Education and Research (CJER)
Administrative Office of the Courts
Lead Staff, CJER's Fairness Education Committee*

STAFF

Donna Clay-Conti

Lead Staff Counsel

Scott Gardner

Staff Counsel

Clifford Alumno

Staff Analyst

Geraldine Dungo

Administrative Coordinator

Access and Fairness Advisory Committee

PRODUCTION

Fran Haselsteiner

Senior Editor

Sheila Ng

Production Artist

Form MC-800, Court Clerk's Office: Signage



WELCOME TO THE SUPERIOR COURT OF CALIFORNIA, COUNTY OF

WE ARE HAPPY TO HELP YOU IF WE CAN. HOWEVER, WE ARE ALLOWED TO HELP YOU ONLY IN CERTAIN WAYS, SINCE WE MUST BE FAIR TO EVERYONE.

This is a list of some things the court staff can and cannot do for you

- We can** answer your general questions about how the court works
- We can** provide you with the location of the local lawyer referral service, legal services program, family law facilitator program, and other services where you can get legal information
- We can** give you general information about court rules, procedures, and practices
- We can** provide court schedules and information on how to get a case scheduled
- We can** provide you information from your case file
- We can** provide you with court forms and instructions that are available
- We can** usually answer questions about court practices and how to navigate them

We cannot

We cannot

We cannot

We cannot

We cannot

We cannot

We cannot

tell you whether or not you should bring your case to court

tell you what notes to use in your court papers. However, we can check your papers for completeness. For example, we check for signatures, dates, and names of parties. We can also check for completeness of attachments.

tell you what to say in court

give you an opinion about what will happen if you bring your case to court

talk to the judge for you

let you talk to the judge outside of court

change an order signed by a judge

Even court staff may not know the answers to all questions about court rules, procedures, and practices and because we don't want to give you wrong information, we have been instructed not to answer questions if we do not know the correct answers. For additional information, please contact a lawyer or your local law library or check the California Courts Self-Help Center Web site at www.courtinfo.ca.gov/selfhelp

I

NTRODUCTION

In recent years, courts throughout the country have identified an increase in the number of cases filed by individuals without the assistance of counsel. Because court users are unfamiliar with legal processes, they often look to you, court staff, for answers to questions about the legal system.

The Code of Ethics for the Court Employees of California requires you to "furnish accurate information as requested in a competent, cooperative, and timely manner" but to avoid "giving legal advice." You may already know that you are not supposed to give "legal advice" to court users. However, you may not know exactly what that term means and thus may be unsure of yourself in an important area of your daily work. As a result, when people ask questions where the line between legal information and legal advice is blurry, you may avoid giving appropriate information about court procedures because you don't want to violate the Code of Ethics. Meanwhile, court users don't get the information they need and may become frustrated; more significantly, if they don't follow the right procedure, they may be denied access to the courts.

In an effort to address these concerns, the Judicial Council of California recently approved form MC-800, *Court Clerks Office: Signage*, for display in court clerks' offices throughout the state. The form is designed for posting at the clerk's counter or public window at each court location so that court users can read and understand the guidelines that you are required to follow.

This handbook is a quick and easy reference. It is specifically intended for the use of court staff who provide telephone and counter assistance as a major part of their job duties. It is recommended that you keep it in a place where it is easily accessible while you perform these tasks.

Of course, this handbook and the guidelines cannot anticipate all the possible questions that court users may ask. When new questions arise, consult your supervisor. Keep in mind, too, that many court users would benefit from legal counsel. When you are uncertain whether you are being asked to give legal advice, do not hesitate to suggest that they consult an attorney.

YOU CAN EXPLAIN AND ANSWER QUESTIONS ABOUT HOW THE COURT WORKS AND GIVE GENERAL INFORMATION ABOUT COURT RULES, PROCEDURES, AND PRACTICES.

You have an obligation to explain court processes and procedures to court users. Certainly they will find sample pleadings and information packets useful, but you will also need to answer individual questions.

What happens at the arraignment?

At this hearing people are told about the charges that have been filed against them. They are also informed of their rights, including the right to an attorney, and bail is usually discussed.

You also have an obligation to inform litigants and potential litigants about how to bring their problems before the court for resolution. This includes referring them to applicable state and local court rules, explaining how to file a lawsuit or request a hearing, explaining court requirements for documents requesting

relief, and supplying sample forms. If there are court-based self-help centers in the county, you should inform litigants of their availability. The fact that such information may help a litigant does not mean it is improper. Instead, providing this kind of information is an important part of your responsibility to provide service to the public.

One good way to tell whether it is all right to answer a question is to ask yourself whether the information requested will help someone figure out how to do something. Most of these questions contain the words "Can I?" or "How do I?" Telling someone how to do something is almost always appropriate.

How do I get out of jury duty?

On the back of the jury summons you can find a list of the reasons for which the court may excuse you from jury service.

How do I evict my tenant?

If you are going to represent yourself, I can get you the packet of forms you need. You can also get information about evictions at our law library or from the Online Self-Help Center, located at www.courtinfo.ca.gov/selfhelp.

DO NOT TELL A LITIGANT WHETHER A CASE SHOULD BE BROUGHT TO COURT OR GIVE AN OPINION ABOUT THE PROBABLE OUTCOME.

Analyzing a litigant's particular fact situation and advising him or her to take a certain course of action based on the applicable law is a job for a lawyer, not for court staff. Advising a party what to do, rather than how to do something that party has already chosen to do, is not permitted.

Even though you may have processed hundreds of similar types of cases, you are not in a position to know what is in a litigant's best interest. Only litigants or their attorneys can make that determination. Your role is to provide information about the court's systems and procedures so that a litigant can know enough to make his or her own decision about how to proceed with a case.

What sentence will I get if I plead guilty?
I cannot predict what the judge will do. The judge will decide what sentence to impose based on the facts and the law that apply to your case.

Even though you cannot answer these types of questions directly, there are a lot of ways that you can still help the court user. In many cases, you can point out various options that the person can consider in making his or her decision. You can also provide information about legal services, such as the local bar association or legal aid society, but you should not make a referral to private attorneys or a private agency. You can also refer the person to the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp) and to any court-based self-help center in the county.

My friend's dog bit me. Should I sue him?

You need to decide that for yourself. You may want to talk to a lawyer to help you make that decision. If you decide to file a lawsuit on your own, I can give you a packet of information on how to file a civil action, along with the necessary forms.

Most of the questions that ask whether to take a particular course of action contain the words "Should I?" So whenever you hear the word "should," the court user may be asking for advice that you cannot provide.

Should I get a lawyer?

You are not required to have a lawyer to file papers or to participate in a case in court. I cannot advise you whether you should hire a lawyer in your case. Only you can make that decision. Here is a list of organizations in this area that you can call for free or low-cost legal help if you qualify.

PLEASE PROVIDE COURT USERS WITH INFORMATION FROM THEIR CASE FILES, AS WELL AS COURT FORMS AND INSTRUCTIONS.

You can provide case information to a court user that is public, including the material in most court files. Court files can be very difficult for many people to read and understand, so you may need to provide assistance. It is always appropriate to answer questions about the court procedures and legal terms reflected in public court files and to assist the court user in finding the specific information he or she is seeking.

Some court files contain confidential information that should never be disclosed. There are many reasons that material in court files may be designated as confidential, including safety and privacy concerns. Disclosure of confidential information could also give an unfair advantage to one side of a case. If you are not sure whether a record is considered public or confidential in your court, check with your supervisor.

It says "relief requested" next to this blank on the form. What do I put there?

I can't tell you what words to use, but you should write in your own words what you want the court to do. If you have any question about the kind of remedies that may be available in your case, you should consult an attorney.

I want to see my daughter more than the old court order allows. How do I get more time with my daughter?

It sounds like you want to obtain an order from the court modifying your present custody order. Here is an Order to Show Cause form that is usually used to bring that issue before the court, as well as a packet of information on how to fill it out.

Providing court forms and, when available, written instructions on how to fill out those forms is an important part of a clerk's job. Often court users will not know what forms to request in order to bring their matters before the court. When this happens, you should identify and provide forms that may meet the court user's needs.

Court forms can be confusing, so people frequently ask for help in filling them out. If a court user cannot figure out how to fill out a required form, he or she may be denied access to the court. You can answer questions about how to complete court forms, including where to write in particular types of information and what unfamiliar legal terms mean. You cannot, however, advise a court user on how he or she should phrase responses on a form.

Can I see the Kramer adoption file?

I'm sorry. Adoption files are confidential and may not be viewed by the public.

DO NOT TELL A LITIGANT WHAT WORDS TO USE IN COURT PAPERS OR WHAT TO SAY IN COURT.

You can always answer questions about how to complete court papers and forms. You cannot, however, tell a court user what words to put on the forms. You threaten the court's impartiality if you fill out a form for a court user using your own words. If someone asks you what to say in a form, you should tell the person to use his or her own words to state the information requested.

You can also check a court user's papers for completeness. This includes checking to make sure that he or she has completed each line that is required to be filled in. Also, you can check for such things as signatures, notarization, correct county name and case number, and the presence of attachments. If the form is incomplete, you should inform the person completing the form of the specific problem and how to fix it.

What should I say to the judge when he calls my case?

I can't tell you what arguments to make in court. You will need to decide that for yourself. Here is a handout on effective ways to present your case in court. You can also view a videotape on this subject at our law library.

Litigants often ask what they should say in court. You cannot give advice about specific arguments a person should make while in court or tell people what you think would be the best way to handle a court appearance. You can give out general information about appropriate courtroom behavior. Many courts have informational packets on how to prepare for court hearings that you can give to the litigant.

Would you look over this form and tell me if I did it right?

You have provided all the required information. I cannot tell you whether the information you provided is correct; only you can know that.

My form got sent back to me from the court because it was incomplete. What is wrong with it?

It looks like you did not include all the information requested on the back of the form. Once you have filled that out, I'll be happy to file the form for you.

Sometimes a court user will be unable to fill out a form without assistance because of a disability or illiteracy. In these limited situations, you may fill out a form for a court user, writing down the specific words that the he or she provides. The fact that you provided such assistance should be noted on the form itself.

I have a disability that prevents me from filling out this form. Would you fill it out for me?

In that case I can fill out the form for you, but you have to tell me what information to put down. I will write down whatever you say and read it back to you to make sure what I have written is correct.

YOU CANNOT TALK TO A JUDGE ON BEHALF OF A LITIGANT OR ALLOW THAT PERSON TO TALK TO THE JUDGE OUTSIDE OF COURT.

You should always remember the basic principle that neither parties nor attorneys may communicate with the judge *ex parte*. Be sure that you do not violate this restriction by carrying a mes-

I want to see the judge. Where is the office?

The judge only talks with all parties to a case at the same time. You would not want the judge to be talking to the other side about this case if you were not present. The judge will speak to you at your hearing.

sage from a party to a judge or by speaking to a judge on behalf of a litigant. To do so could give one side in a case an unfair advantage.

Many self-represented litigants feel that they have a right to see the judge in the judge's chambers to explain their situations and problems. When a litigant asks to meet with the judge, you should explain that the judge can see a party only at the hearing or trial, when the other side is also present. While you are explaining this rule, it sometimes helps to ask litigants how they would feel if the judge had a private meeting with the other side in their case. You can also explain procedures, such as a motion, that would allow the litigant to properly bring his or her concerns to the court's attention.

What is an "ex parte"?

It is a Latin term that refers to one-sided contact with the court. In most cases ex parte contacts with the court are not allowed.

Some courts delegate certain decisions to clerk's

offices, especially on procedural matters and on cost and fee awards. You should avoid *ex parte* contacts while making such decisions. Be sure that you have heard from both sides before deciding an issue and avoid even the appearance of giving one party an advantage in the process.

I know that I can't talk to the judge. But you're nice—could you please take her this message for me?

I'm sorry, I can't do that for you. It wouldn't be fair for me to present your concerns to the judge when the other side in your case is not there. But I can help you schedule a hearing with the judge so that both sides in your case can be present.

YOU SHOULD PROVIDE COURT USERS WITH SCHEDULES AND INFORMATION ON HOW TO GET A CASE SCHEDULED. YOU CAN ALSO ANSWER MOST QUESTIONS ABOUT COURT DEADLINES AND HOW TO COMPUTE THEM.

You can always give out information on court calendar settings and tell court users how to get matters placed on calendar. This is one of the most important things you can do to make sure people have access to the courts. When court users cannot figure out how to get a case scheduled for hearing, they cannot even begin the process of getting a judge to decide the case.

It is often helpful to provide court users with written court schedules and information packets dealing with how to get a case set for hearing. Many courts now have this information on their court Web site, and there is a good general discussion of this topic in the Online Self-Help Center, at www.courtinfo.ca.gov/selfhelp.

What is the last day I can file my lawsuit?

The time for filing your case can vary depending on the particular facts involved. Determining the last day for filing a lawsuit is very difficult to do. You should consult a lawyer to help you figure this out.

in counting the number of days. Court staff should help court users correctly apply these rules. Remember, if you are not sure what the filing deadline is on a particular matter, it is always appropriate to say, "I don't know."

On the other hand, you should not attempt to explain the statute of limitations to court users. Those rules are very complicated, and it would be very easy to give incorrect or misleading information.

When it comes to court deadlines, a good rule to remember is that if you can reject a document as untimely, then you can assist a court user in understanding why it was untimely. You can also explain how to calculate the deadline for filing that type of document in advance so it can be filed in a timely way.

When do I have to file my opposition papers on this motion?

Unless the court has ordered otherwise, the law requires that all papers opposing this kind of motion must be filed and served on the opposing party 10 calendar days before the hearing. If you like, I can give you a handout on motion filing deadlines and how to calculate them.

Providing assistance with court deadlines is a little more complicated. You can help court users calculate routine filing deadlines associated with most court hearings. Court rules state when weekends and holidays are included and when they are excluded

I figured out that I have to file my papers 10 days before the hearing, but that day falls on a holiday when the court is closed. What do I do?

Your situation falls within an exception to the 10-day rule. You must file and serve your papers by the end of court business on the next day that the court is open following the holiday.

YOU CAN PROVIDE PHONE NUMBERS FOR THE LOCAL BAR ASSOCIATION REFERRAL SERVICE, LEGAL SERVICES PROGRAM, FAMILY LAW FACILITATOR PROGRAM, AND OTHER LEGAL INFORMATION SERVICES.

It is the policy of the California courts to encourage litigants to use lawyers because court cases often involve legal issues beyond the understanding of the ordinary person. You can always make general referrals to associations and public agencies that provide legal services or information. A good place to start

How do I get my ex to pay child support?

You can start by visiting the family law facilitator in Room 210. You can talk to the family law facilitator for free. The facilitator is an attorney who works for the court and helps people with support issues. He or she can help you fill out the forms and understand more about your case and what your options are.

Since court clerks must remain neutral and impartial at all times, you cannot make referrals to a specific lawyer, law firm, or paralegal service.

Many courts have prepared handouts that include contact information for local legal services organizations. Such written materials are very useful to court users and can provide you with a handy list of appropriate referral organizations.

Could you check to see if there are any liens on my property?

We don't have those kinds of records in this office. You can find that information at the County Recorder's office. It's located only a few blocks from here. Let me show you how to get there on this map of local government buildings.

is with the local bar association referral service. You should explain that although this is a free service, the lawyer will charge a fee. You can also provide information regarding other public legal services programs that may meet the needs of court users and refer them to any court-based self-help center in the county.

I need a good lawyer. Who is the best?

I can't refer you to an individual lawyer because the court must always remain neutral in all matters. I can give you information on the local bar association's lawyer referral service if you want help in finding a lawyer who specializes in your kind of case. You might also want to check out the Web site for the State Bar of California, www.calbar.ca.gov, which includes a section on ways to find a good lawyer.

You can also tell court users that they can ask friends or colleagues for the name of a lawyer or even find one by checking the yellow pages of the phone book. Many of them are surprised to learn that lawyers will often give an initial consultation at no cost and that some will agree to provide limited representation—giving advice or preparing particular papers—at a reduced fee.

Sometimes people call the court when they don't know whom else to call about their problems. Keep a list of contact numbers for local government agencies and departments so you can point people in the right direction.